

The background of the book cover is a composite image. The top portion shows a bright blue sky with large, white, fluffy clouds. The bottom portion is an aerial photograph of a coastal area, likely an airport. A long, straight runway or taxiway runs diagonally from the upper right towards the lower left. To the left of this strip is a dark, irregularly shaped body of water, possibly a lagoon or bay, with a sandy or rocky shoreline. To the right of the runway, there is a flat, light-colored area that appears to be a tarmac or a cleared field, with some smaller structures and what might be a pier or breakwater extending into the water on the far right. The overall lighting suggests a bright, sunny day.

# The Chagos Islanders and International Law

STEPHEN ALLEN

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# Transboundary Marine Spatial Planning and International Law

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Edited by Daud Hassan, Tuomas  
Kuokkanen and Niko Soininen

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# Transboundary Marine Spatial Planning and International Law

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Marine Spatial Planning (MSP) is an integrated and comprehensive approach to ocean governance and is used to establish a rational use of marine space and reconcile conflicting interests of its users. MSP allows both a high level of environmental protection and a wide range of human activities and emphasizes coordinated networks of national, regional and global institutions.

This book focuses on the framework of international law behind MSP and especially on the transboundary aspects of MSP. It first sets out a general framework for transboundary MSP and then moves on to compare and assess differences and similarities between different regions. Specific detailed case studies include the EU with the focus on the Baltic Sea and North Sea, the Bay of Bengal and the Great Barrier Reef in Australia. The authors examine the national and regional significance of MSP from an integrated and sustainable ocean governance point of view. They also show how transboundary MSP can create opportunities and positive initiatives for cross-border cooperation and contribute to the effective protection of the regional marine environment.

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This book has been a journey and is the product of many discussions among the present editors and authors. It assembles many renowned scholars to analyse the different legal and governance aspects of transboundary marine spatial planning (MSP). As a future-oriented process, MSP offers ways to minimize conflicting uses of marine spaces, to support blue growth and to address the most pressing marine environmental concerns, such as climate change, natural hazards, over-fishing, coastal erosion, oil, gas, sand and gravel deposits and biodiversity through appropriate management strategies. With the promise of better and more effective ocean governance, it is no wonder that there has been considerable academic research and government interest towards MSP in recent years. However, to our knowledge, this is the first monograph trying to shed light on the overall legal and governance framework of transboundary MSP and it will hopefully be of use to academics, students, government officials, policy makers and practising lawyers interested in marine environmental issues.

A book such as this includes a considerable amount of effort and support. First and foremost, we would like to thank all the chapter authors, Dr Tavis Potts, Prof. Frank Maes, Prof. An Cliquet, Jon Day, Hermann Backer, Betty Queffelec, Dr Stephen Jay and Emaduel Haque for their valuable contributions to the book. We hope to continue these discussions and collaboration in the future.

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Daud Hassan  
Tuomas Kuokkanen  
Niko Soininen

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# Abbreviations

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ABNJ	Areas Beyond National Jurisdiction
BDC	OSPAR Biodiversity Committee
CBD	Convention on Biological Diversity
CEC	Commission of the European Communities
CFP	Common Fisheries Policy
COP	Conference of the Parties
CP	Contracting Party
EBSA	Ecologically or Biologically Significant Marine Areas
EC	European Commission
EEZ	Exclusive Economic Zone
EGTC	European Grouping of Territorial Cooperation
EIA	Environmental Impact Assessment
EIHA	Environmental Impacts of Human Activities
EMODnet	European Marine Observation and Data Network
EU	European Union
FAO	Food and Agriculture Organization
GEF	Global Environment Facility
GIS	Geographic Information System
HELCOM	Helsinki Commission
ICES	International Council for the Exploration of the Sea
ICG-MSP	Intersessional Correspondence Group on Marine Spatial Planning
ICJ	International Court of Justice
ICZM	Integrated Coastal Zone Management
IMCAM	Integrated Marine and Coastal Area Management
IMO	International Maritime Organization
ITLOS	International Tribunal for the Law of the Sea
JMM	Joint Ministerial Meeting
LOSC	Law of the Sea Convention
MASMA	Workshop on Marine Spatial Management (OSPAR)
MoU	Memorandum of understanding
MPA	Marine Protected Area

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MS	Member States
MSFD	Marine Strategy Framework Directive
MSM	Marine Spatial Management
MSP	Marine Spatial Planning
NSRAC	North Sea Regional Advisory Council
OSPARCOM	Oslo and Paris Commission
SAC	Special Area for Conservation (Habitat Directive)
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice
SEA	Strategic Environmental Assessment
SPINS	Spatial Planning in the North Sea
TBPA	Transboundary Protected Area
TPEA	Transboundary Planning in the European Atlantic
ToR	Term of Reference
UNCED	United Nations Conference on Environment and Development
UNCLOS	United Nations Convention on the Law of the Sea
UNECE	United Nations Economic Commission for Europe
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNEP	United Nations Environment Programme
UNGA	United Nations General Assembly
UNICPOLOS	United Nations Open-ended Informal Consultative Process on Ocean and the Law of the Sea
VASAB	Visions and Strategies around the Baltic Sea
WG	Working Group
WSSD	World Summit on Sustainable Development

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# Introduction

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