Routledge Handbook of Maritime Regulation and Enforcement

Edited by Robin Warner and Stuart Kaye



First published 2016 by Routledge 2 Park Square, Milton Park, Abingdon, Oxon, OX14 4RN

and by Routledge 711 Third Avenue, New York, NY 10017

Routledge is an imprint of the Taylor & Francis Group, an informa business

© 2016 Robin Warner and Stuart Kaye

The right of Robin Warner and Stuart Kaye be identified as editors of this work has been asserted by them in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

Trademark notice: Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

British Library Cataloguing in Publication Data A catalogue record for this book is available from the British Library

Library of Congress Cataloging-in-Publication Data
Routledge handbook of maritime regulation and enforcement.

Includes bibliographical references and index.

1. Maritime law. 2. Marine resources development—Law and legislation.

I. Warner, Robin, editor. II. Kaye, Stuart, editor.

K1150.R68 2015 343.09'6—dc23 2015011923

ISBN: 978-0-415-70445-8 (hbk) ISBN: 978-1-315-89024-1 (ebk)

Typeset in Bembo by Apex CoVantage, LLC



Contents

Contributors	ix
Abbreviations	xix
Foreword by Marie Jacobsson	XXV
Introduction	xxvii
Robin Warner and Stuart Kaye	
PART A	
International Law Considerations in Maritime	
Regulation and Enforcement	suinda matais 1
1. A Zonal Approach to Maritime Regulation and Enforcemen Stuart Kaye	t 3
2. The High Seas Regime: a Model of Self-regulation? Robin Warner	16
3. The Use of Force	27
Cameron Moore	- 21
PART B	
Role of States and Other International Actors in	
Maritime Regulation and Enforcement	41
# The Dale of Flor State	
4. The Role of Flag States Sam Bateman	43
San Bateman	
5. The Role of Coastal States	59
Lowell Bautista	

Contents

6.	The Role of Port States Rosemary Rayfuse	71
	The Role of Global Organisations J. Ashley Roach	86
8.	The Role of Regional Organisations Kerry Tetzlaff	106
9.	The Role of Courts and Tribunals in Maritime Regulation and Enforcement Dale Stephens	122
	हार C gulation and Enforcement in Different Maritime Sectors	137
10.	Fisheries Enforcement and the Concepts of Compliance and Monitoring, Control and Surveillance Mary Ann Palma-Robles	139
11.	Shipping: Safety of Life at Sea Anthony Morrison	161
12.	Shipping:Vessel-source Pollution Erik J. Molenaar	176
13.	Regulation of Offshore Hydrocarbon Exploration and Exploitation under International Law Youna Lyons	193
14.	. The Regulation of Marine Scientific Research: Addressing Challenges, Advancing Knowledge Harriet Harden Davies	212
15	. Deep Seabed Mining: Key Obligations in the Emerging Regulation of Exploration and Development in the Pacific Robert Makgill and Ana P. Linhares	231
16	. Transnational Crime Douglas Guilfoyle	262
17	Combating Piracy and Armed Robbery at Sea: from Somalia to the Gulf of Guinea Clive Schofield and Kamal-Deen Ali	277

		Contents
	RT D rrent Issues and Future Challenges	293
18.	Regulation of Marine Renewable Energy Anne Marie O'Hagan	295
19.	The Potential to Regulate Bioprospecting for Marine Genetic Resources: Two Case Studies Julia Jabour	324
20.	Ocean Acidification: Scientific Surges, Lagging Law and Policy Responses Katja Fennel and David L. VanderZwaag	342
21.	Use of Technology in Maritime Regulation and Enforcement Chris Rahman	363
22.	Cooperative Maritime Surveillance and Enforcement Warwick Gullett and Yubing Shi	378
23.	Developing New Regulatory Paradigms for the Conservation and Sustainable Use of Marine Biodiversity in Areas beyond National Jurisdiction Robin Warner	394
Ind	ex	409