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**LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES
VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS**

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Law of the Sea: Papers by Joanna Mossop, Associate Professor of Law, Victoria University of Wellington

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["Towards a Practical Approach to Regulating Marine Genetic Resources"](#) 

ESIL Reflections 8:3 (2019)

[Victoria University of Wellington Legal Research Paper No. 47/2019](#)

[JOANNA MOSSOP](#), Victoria University of Wellington - Faculty of Law

Email: Joanna.Mossop@vuw.ac.nz

Negotiations are currently underway for a new international legally binding instrument (ILBI) under the United Nations Convention on the Law of the Sea (UNCLOS) for the conservation and sustainable use of marine biodiversity beyond national jurisdiction (BBNJ). The General Assembly has authorised negotiations on four elements of a "package". One part of the package is the legal framework for the exploitation of marine genetic resources (MGRs) in areas beyond national jurisdiction. The precise definition of MGRs is currently subject to negotiation, but the Convention on Biological Diversity defines genetic material as any material of plant, animal, microbial or other origin containing functional units of heredity. Genetic resources are genetic material of actual or potential value. It should be noted that the MGRs regime is unlikely to apply to fish caught as a commodity for food or other uses such as fish meal.

["Can We Make the Oceans Greener? The Successes and Failures of UNCLOS as an Environmental Treaty"](#) 

(2018) 49(4) VUWLR 573

[Victoria University of Wellington Legal Research Paper No. 48/2019](#)

[JOANNA MOSSOP](#), Victoria University of Wellington - Faculty of Law
Email: Joanna.Mossop@vuw.ac.nz

At the conclusion of the United Nations Convention on the Law of the Sea (UNCLOS) in 1982, there was considerable optimism that the Convention would usher in a new age of marine environmental protection. This article argues that, while UNCLOS did contain important innovations for marine environmental protections, key structural problems prevented the Convention from fulfilling more optimistic predictions of success. Concepts such as freedom of the high seas and exclusive flag state jurisdiction as well as the lack of an effective institution with competence over the law of the sea generally have impeded progress. Instead, states have relied on incremental development to seek improvements in the law. The article evaluates whether two recent developments will progress the goal of marine environmental protection. First, a number of recent international judicial decisions interpreting treaty and customary principles of international law have clarified and extended state environmental obligations. Second, negotiations for a new treaty on the protection and sustainable use of biodiversity in areas beyond national jurisdiction offer hope that gaps in UNCLOS might be filled.

["Law of the Sea and Fisheries 2012"](#) 

Joanna Mossop "Year in Review: Law of the Sea and Fisheries" (2012) 10 New Zealand Yearbook of International Law pp 232-236

[Victoria University of Wellington Legal Research Paper No. 49/2019](#)

[JOANNA MOSSOP](#), Victoria University of Wellington - Faculty of Law
Email: Joanna.Mossop@vuw.ac.nz

This is a summary of developments in New Zealand relating to the law of the sea in 2012. Developments include the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, Marine Legislation Bill 2012, inquiries into foreign charter fishing vessels, fishing cooperation in the Pacific, whaling, and protests over deep sea oil exploration.

["Marine Mammals in the Antarctic Treaty System"](#) 

"Marine Mammals in the Antarctic Treaty System" in Erik J Molenaar, Alex G Oude Elferink and Donald R Rothwell (eds) *The Law of the Sea and the Polar Regions: Interactions between Global and Regional Regimes* (Martinus Nijhoff Publishers, The Netherlands, 2013) pp 267-292

[Victoria University of Wellington Legal Research Paper No. 50/2019](#)

[JOANNA MOSSOP](#), Victoria University of Wellington - Faculty of Law
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This paper considers the difference between the protection of seals by the Antarctic Treaty System (ATS) and the protection of whales by the International Convention for the Regulation of Whaling (ICRW). This difference is largely due to the lack of a sealing industry in the Southern Ocean, while Japan continues to harvest whales in the area. The paper discusses the development of the Convention for the Conservation of Antarctic Seals and compares this to the way the ATS has responded to whaling in the Antarctic Treaty Area. The paper explores how Japan's use of the scientific permit exception in article VIII of the ICRW has caused many problems. The safety, legal and environmental implications of whaling in the Southern Ocean are explored, while noting the interesting comparisons with the largely defunct sealing industry that is protected by the ATS.

["Law of the Sea and Fisheries"](#) 

6 New Zealand Yearbook of International Law, pp. 324-330, 2008

[Victoria University of Wellington Legal Research Paper No. 51/2019](#)

[JOANNA MOSSOP](#), Victoria University of Wellington - Faculty of Law
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This is a summary of developments in New Zealand relating to the law of the sea and fisheries in 2008. Developments include Continental Shelf Claim and Regulations, New Zealand's involvement in the work of the International Whaling Commission, progress towards establishing a South Pacific Regional Fisheries Management Organisation, *Omunkete Fishing (Pty) Ltd v Minister of Fisheries and the Minister of Foreign Affairs and Trade*, maritime security and the marine environment.

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Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the [Faculty of Law at Victoria University of Wellington](#). Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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