



PUBLICATIONS ON OCEAN DEVELOPMENT

# NON-FLAG STATE ENFORCEMENT IN HIGH SEAS FISHERIES

Rosemary Gail Rayfuse

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# Nonflag State Enforcement In High Seas Fisheries

**Olav Schram Stokke**



## **Nonflag State Enforcement In High Seas Fisheries:**

**Non-Flag State Enforcement in High Seas Fisheries** Rosemary Gail Rayfuse, 2004-01-01 This book is the first comprehensive examination of state practice relating to enforcement by non flag states of the high seas conservation and management measures adopted by Regional Fisheries Organisations It demonstrates that an exception is emerging in customary international law to the rule of the primacy of flag state jurisdiction in the high seas fisheries context

**Non-Flag State Enforcement in High Seas Fisheries** Rosemary Rayfuse, 2004-05-01 This book is the first comprehensive examination of state practice relating to enforcement by non flag states of the high seas conservation and management measures adopted by Regional Fisheries Organisations Moving beyond the issue of the implementation of the United Nations Fish Stocks Agreement it demonstrates an emerging exception in customary international law to the rule of primacy of flag state jurisdiction in the high seas fisheries context and delineates the parameters in which this emerging exception allowing for non flag jurisdiction may be exercised This book contains extensive factual descriptions of state practice as well as comprehensive legal analyses of that practice *Aspects of Illegal, Unreported and Unregulated Fishing in the Southern Ocean* Rachel Baird, 2007-06-01 IUU shing the elements of which are discussed in detail further below in this Part hinders the sustainable management of marine sheries world wide Southern Ocean sheries and in particular the Patagonian Tooth sh have been targeted by IUU shers The text examines the response to the persistent problem of IUU shing in 1 the Southern Ocean by CCAMLR as the appropriate RFMO and Australia a State with vested interests in the Southern Ocean by virtue of the Heard and McDonald Islands EEZ This examination represents original work not only in the context of 2 Southern Ocean sheries but in the consideration of the linkages between regional and national measures to deter IUU shing Faced with continued ag State inaction both the CCAMLR Commission and Australia have identi ed and applied a number of measures to deter IUU shing These measures are examined in Parts 4 and 5 respectively Indeed the lack of ag State enforcement and the development and persistence of IUU shing are inextricably linked a fact that will be pursued in depth in Part 2 along with the other factors identi ed as contributing to the development of IUU shing *State Responsibility for Interferences with the Freedom of Navigation in Public International Law* Philipp Wendel, 2007-10-25 A multitude of conventions in the area of the Law of the Sea contains provisions on the issue of compensation for wrongful interferences with navigation Even though interferences by warships and coast guard vessels due to a perceived increased risk of international crimes at sea seem to have become more frequent the compensation provisions have hardly been applied The book analyses all relevant compensation provisions and compares them to the general law of state responsibility This necessarily includes a discussion of issues like the responsibility of international organizations liability for lawful conduct and several and joint liability in public international law **Governing High Seas Fisheries** Olav Schram Stokke, 2001 The legal and political difficulties of managing fish stocks that straddle both national waters and the high seas were not abolished

by the introduction of exclusive economic zones Here leading scholars of international law and international relations explain the wave of bitter disputes that arose in the 1990s over such straddling stocks They show how regional responses to those challenges shaped the negotiation of a 1995 UN Fish Stocks Agreement and helped strengthen the global high seas fisheries regime Keen attention is paid to whether and how evolving regimes meet the scientific regulatory and compliance related tasks of effective management and the significance of regime interplay in this regard Certain developments in international fisheries law particularly crucial to effective management of high seas fisheries are examined reconceptualization of the freedom of the high seas legal measures to control the harvesting of vessels flying flags of convenience the dispute settlement apparatus and emerging procedures for compliance control activities by others than the flag state These global developments are related to six regional case studies featuring management of straddling stocks in the Grand Banks off Canada the Southern Ocean the Doughnut Hole of the Bering Sea the Peanut Hole of the Okhotsk Sea the Loophole of the Barents Sea and the Banana Hole of the Northeast Atlantic

**The Changing International Law of High Seas Fisheries** Francisco Orrego Vicuña, 1999-03-04 This book examines legal economic and environmental developments including recent state and international practice

Port State Jurisdiction and the Regulation of International Merchant Shipping Bevan Marten, 2013-08-31 This book examines the concept of port state jurisdiction in the context of international maritime law In particular the book focuses on situations where port states have used their jurisdiction over visiting foreign flagged vessels to apply unilateral domestic law as compared with the internationally agreed standards enforced by regional port state control organisations To illustrate the legal issues involved three recent pieces of legislation are analysed in detail the United States Cruise Vessel Security and Safety Act 2010 the EU s liability insurance directive of 2009 and Australia s Fair Work Act 2009 Key issues include the legality of port states attempts to regulate aspects of a vessel s structure or equipment or even certain activities that may take place before a vessel s arrival in port The author argues that examples of unilateral measures being imposed by way of port state jurisdiction are growing and that without active protests from flag states this concept will continue to expand in scope As international law currently presents very few restrictions on the actions of ambitious port states such developments may have a significant impact on the future of international maritime regulation

*The Oxford Handbook of the Law of the Sea* Donald Rothwell, Alex G. Oude Elferink, Karen Nadine Scott, Tim Stephens (Law teacher), 2015 Recent maritime disputes environmental disasters and piracy have raised the profile of the law of the sea This Oxford Handbook brings together high level analysis of all of its key aspects examining the role of particular regions in the development of the law of the sea management of the oceans resources and critical contemporary debates

**The International Law of the Sea** Donald R Rothwell, Tim Stephens, 2023-08-10 Praise for the previous edition A complete overview of the subject which does not intimidate the reader but rather spurns interest and understanding in the subject European Energy and Environmental Law Review the book is scholarly yet accessible and very readable thoroughly

recommended Law Institute Journal Description The law of the sea provides for the regulation management and governance of the ocean spaces that cover over two thirds of the Earth s surface This book provides a comprehensive assessment of the foundational principles of the law of the sea a critical overview of the 1982 United Nations Convention on the Law of the Sea and an analysis of subsequent developments including many bilateral regional and global agreements that supplement the Convention The third edition of this acclaimed text has been thoroughly revised and updated and now incorporates a dedicated chapter on natural and artificial islands All of the main areas of the law of the sea are addressed including the foundations and sources of the law the nature and extent of the maritime zones the delimitation of overlapping maritime boundaries the place of archipelagic and other special states in the law of the sea navigational rights and freedoms military activities at sea marine scientific research and marine resource and conservation issues such as fisheries marine environmental protection and dispute settlement The book also takes stock of contemporary oceans governance issues not adequately addressed by the Convention Overarching challenges facing the law of the sea are considered including how new maritime security initiatives can be reconciled with traditional navigational rights and freedoms the need for stronger legal and policy responses to protect the global ocean environment from climate change and ocean acidification and work on a new agreement for the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction

### **The International Legal Regime Relating to Marine Protected Areas in Areas beyond National Jurisdiction**

Wen Duan,2022-06-20 The International Legal Regime Relating to Marine Protected Areas in Areas beyond National Jurisdiction identifies the participatory competence and geographical gaps in the international legal regime relating to marine protected areas MPAs in areas beyond national jurisdiction ABNJ and provides insight into how to address these gaps The book concludes that the gaps can be addressed only to a limited extent under the current international legal framework however the prospective international legally binding instrument ILBI on the conservation and sustainable use of marine biodiversity beyond national jurisdiction BBNJ might well make further contributions

**The Quest for Sustainable International Fisheries** Evelynne Meltzer,Susanna Fuller,2009 A publication of the National Research Council of Canada Monograph Publishing Program

*Jurisdiction over Ships* Henrik Ringbom,2015-08-11 Jurisdiction over Ships Post UNCLOS Developments in the Law of the Sea analyses international law developments in shipping since the adoption of the UN Convention on the Law of the Sea UNCLOS in 1982 The Convention s rules on the rights and obligations of flag states coastal states and port states have by and large been accepted and adhered to by states but the legal regime for the oceans is neither complete nor static nor was it intended to be so New issues have surfaced while old issues have changed their character Developments in law and practice have already resulted in some divergences between the jurisdictional scheme outlined in UNCLOS and how states in reality exercise their jurisdiction over ships In this book 18 leading academics in the field study a number of such developments in more detail providing a practical guide to the state of the law at present while

at the same time offering insights into how international law develops in this field

**Filling Regulatory Gaps in High Seas Fisheries** Yoshinobu Takei, 2013-03-27 In *Filling Regulatory Gaps in High Seas Fisheries* author Yoshinobu Takei investigates the regime of high seas fisheries from the perspective of international law and considers whether there are regulatory gaps in high seas fisheries and if so how they should be filled The book focuses on topical issues such as the management of deep sea fisheries on the high seas and the protection of vulnerable marine ecosystems In view of the current state of marine fisheries resources together with ecosystem concerns swift and effective action is required to improve fisheries management in particular for high seas fisheries Takei thoroughly analyzes the current state of affairs and convincingly suggests steps to be taken in the future

**Reconceptualising the Rule of Law in Global Governance, Resources, Investment and Trade** Photini Pazartzis, Maria Gavouneli, 2016-06-30 The relevance and importance of the rule of law to the international legal order cannot be doubted and was recently reaffirmed by the Declaration of the High level Meeting of the General Assembly on the Rule of Law at the National and International Level s solemn commitment to it on behalf of states and international organizations In this edited collection leading scholars and practitioners from the fields of global governance resources investment and trade examine how the commitment to the rule of law manifests itself in the respective fields The book looks at cutting edge issues within each field and examines the questions arising from the interplay between them With a clear three part structure it explores each area in detail and addresses contemporary challenges while trying to assure a commitment to the rule of law The contributions also consider how the rule of law has been or should be reconceptualised Taking a multi disciplinary approach the book will appeal to international lawyers from across the spectrum including practitioners in the field of international investment and trade law

**The United Nations Convention on the Law of the Sea** Kristina Siig, Birgit Feldtmann, Fenella M.W. Billing, 2023-10-09 The 1982 United Nations Convention on the Law of the Sea UNCLOS has for four decades been considered by many to be one of the most important legislative achievements of international law It is revered as a constitution of the oceans providing the legal framework for the governance of the oceans This volume explores how the UNCLOS is functioning in various complex settings how it adapts to new emerging developments as well as how it interacts with other regulation both within the law of the sea regime and outside Engaging in themes such as law and order at sea UNCLOS interaction with human rights and the role of private actors the book raises complex questions in the application understanding and enforcement of the convention and how it can be envisaged interpreted and used in a dynamic world The volume also raises methodological questions the answers to which may enhance the predictability and coherence of the law under UNCLOS and thus secure its role as the predominant and relevant system for legal governance at sea for many decades to come As a contribution to ensuring the future relevance of UNCLOS the book will be a valuable resource for scholars diplomats judges and other practitioners who are working with and interpreting the law of the sea and related issues of maritime law migration law human rights law and

humanitarian law Chapter 4 of this book is freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution Non Commercial CC BY NC 4.0 license

**Extraterritoriality and Climate Change Jurisdiction** Natalie L Dobson, 2021-09-23 This book builds on the scholarship of the law of state jurisdiction engaging with fundamental questions about states legislative competence to respond to climate change Considering general theory the author advocates for a systemic analytical framework for the contested issue of extraterritoriality in international law Exploring the crystallisation of climate change jurisdiction the book provides a comprehensive exploration of the jurisdictional bases and limitations for unilateral climate protection measures In doing so cross cutting issues of world trade law international civil aviation law the law of the sea and importantly the customary international law of state jurisdiction are considered Amidst the myriad of developing norms a novel considerate design tool is introduced to assist policymakers in finding a better balance between regulatory autonomy development needs and the protection of common concerns

**Perspectives on Canadian Marine Fisheries Management** Canada. Department of Fisheries and Oceans, National Research Council of Canada, 1993 Co published by National Research Council of Canada

**Functional Jurisdiction in the Law of the Sea** Maria Gabunelē, 2007 Drawing on the essential premises of the Law of the Sea Convention as constotuiou of the oceans this book looks into the ways it can be evolved to accommodate new challenges to its regulatory scheme

**Modern Law of the Sea** David Anderson, 2008 These collected essays examine different aspects of the modern law of the sea They address many key provisions in the United Convention on the Law of the Sea including its historical development the substantive rules governing navigation resources the regime of the high seas maritime jurisdiction the protection of the marine environment and the delimitation of maritime boundaries as well as the settlement of disputes The essays also review the Implementation Agreement of 1994 concerning deep seabed mining and the Implementation Agreement of 1995 concerning Straddling and Highly Migratory Fish Stocks The author presents purely personal views on many negotiations and cases in which he participated The essays written between 1988 and 2006 will be of interest to everyone involved in the law of the sea Davis Anderson is a former legal adviser to the Foreign and Commonwealth Office 1960 1996 and judge of the International Tribunal for the Law of the Sea 1996 2005

**The Law of the Sea and the Polar Regions** Erik J. Molenaar, Alex G. Oude Elferink, Donald R. Rothwell, 2013-08-15 The Law of the Sea and the Polar Regions Interactions between Global and Regional Regimes analyzes of the contemporary law of the sea and related areas of international law in Antarctica and the Arctic with a particular focus upon the interaction of global and regional regimes The global component of the international law of the sea principally the United Nations Convention on the Law of the Sea applies to the entire marine domain in both polar regions but explicitly requires regional implementation or acknowledges its usefulness This volume critically examines regional regimes for the Arctic and Antarctic on science maritime security fisheries and shipping by means of common research questions thus enabling an overall synthesis and identification of trends

differences and similarities



## Decoding **Nonflag State Enforcement In High Seas Fisheries**: Revealing the Captivating Potential of Verbal Expression

In a period characterized by interconnectedness and an insatiable thirst for knowledge, the captivating potential of verbal expression has emerged as a formidable force. Its power to evoke sentiments, stimulate introspection, and incite profound transformations is genuinely awe-inspiring. Within the pages of "**Nonflag State Enforcement In High Seas Fisheries**," a mesmerizing literary creation penned with a celebrated wordsmith, readers set about an enlightening odyssey, unraveling the intricate significance of language and its enduring impact on our lives. In this appraisal, we shall explore the book's central themes, evaluate its distinctive writing style, and gauge its pervasive influence on the hearts and minds of its readership.

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