

Legal Aspects of Sustainable Development

Series Editor

David Freestone

This series publishes work on all aspects of the international legal dimensions of the concept of sustainable development.

Its aim is to publish important works of scholarship on a range of relevant issues including conservation of natural resources, climate change, biodiversity loss and the role of international agreements, international organizations and state practice.

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International Law of Sharks

Obstacles, Options and Opportunities

By

Erika J. Techera
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Series Editor's Preface	IX
Acknowledgements	X
List of Figures	XI
List of Abbreviations	XII
List of Treaties	XIV
List of Foreign Legislation	XVI
List of Cases	XVII
1 The Case for Sharks	1
1 Why Sharks	2
1.1 Scientific Knowledge	2
1.2 Societal Attitudes and Approaches	4
1.3 Values	8
2 Legal Dimensions	12
2.1 Legal Responses	12
2.2 Legal Challenges	16
3 Global Influences	18
3.1 Holistic Approaches	18
3.2 Ecosystem-based Management	20
3.3 Inter-Disciplinarity	20
4 Moving Forward	23
4.1 Underpinning Principles, Concepts and Approaches	23
4.2 Fragmented Governance	25
4.3 Implementation	25
5 Conclusion	26
2 International Law Framework	27
1 UN Convention on the Law of the Sea (UNCLOS) and the 1995 Fish Stocks Agreement	28
2 International Plan of Action for Sharks	32
3 Convention on the International Trade in Endangered Species	35
4 Convention on Migratory Species and the Sharks Memorandum of Understanding	43
5 Key Environmental Principles	48
5.1 Sustainable Development and Sustainable Management	48
5.2 Precautionary Approach	49
5.3 Environmental Impact Assessments	51

5.4	<i>Ecosystem-based Approach</i>	51
5.5	<i>Biodiversity Protection</i>	53
6	<i>Conclusion</i>	53
3	Governance and Regulation	55
1	Linking Governance and Sustainability	56
1.1	<i>Defining Sustainability</i>	57
1.2	<i>What is Good Governance</i>	61
2	Environmental Governance Theories	67
2.1	<i>Hierarchical Theories</i>	68
2.2	<i>Multi-layered Approaches</i>	70
2.3	<i>A Return to Principles</i>	73
3	<i>Regulation</i>	77
3.1	<i>Regulatory Theory</i>	78
3.2	<i>Environmental Regulation</i>	83
3.3	<i>Regulatory Pluralism</i>	83
4	Governance, Regulation and Sharks	85
4.1	<i>Foundations</i>	85
4.2	<i>Achieving Goals</i>	85
5	<i>Conclusion</i>	86
4	Species-based Measures	88
1	Species-based Approaches	88
1.1	<i>Background</i>	89
1.2	<i>The Emergence of Law and Policy</i>	90
1.3	<i>Defining Species-based Approaches</i>	92
1.4	<i>Substance of Species-based Approaches</i>	93
1.5	<i>Inter-disciplinarity</i>	95
2	Legal Frameworks for Protection of Species	97
2.1	<i>Historical Developments</i>	97
2.2	<i>International Environmental Laws</i>	98
2.3	<i>Fisheries Regulation</i>	100
2.4	<i>Other Activities Impacting Species: Marine Eco-tourism</i>	103
3	Shark Specific Measures	105
3.1	<i>Fishing and Finning Bans</i>	105
3.2	<i>Gear and Equipment</i>	106
3.3	<i>Supply Chain</i>	107
4	Gaps and Challenges	108
5	<i>Conclusion</i>	112

5	Spatial and Area Measures	114
1	Exploring Area-based Measures	115
1.1	<i>Background</i>	115
1.2	<i>The Value of Spatial Measures</i>	117
1.3	<i>Defining Protected Ocean Areas</i>	118
1.4	<i>The Substance of Protected Areas</i>	121
2	Spatial Measures in International Law	123
2.1	<i>International Treaties</i>	123
2.2	<i>Regional Agreements</i>	131
3	Implementation of Spatial Measures	134
3.1	<i>Shark-focused MPAs</i>	135
3.2	<i>Sanctuaries</i>	136
4	Challenges and Opportunities	137
4.1	<i>Gaps and Challenges</i>	137
4.2	<i>Synergies and Solutions</i>	140
5	<i>Conclusion</i>	141
6	Institutions: Key Roles and Structural Issues	143
1	Background to the Law of International Organisations	145
2	Key Roles for International Environmental Institutions	150
2.1	<i>Law-making and Standard Setting</i>	151
2.2	<i>Stakeholder Participation</i>	153
2.3	<i>Collection of Information</i>	154
2.4	<i>Monitoring, Compliance and Dispute Settlement</i>	155
3	UNEP, FAO and Treaty Organisations	156
3.1	<i>UNEP</i>	156
3.2	<i>FAO</i>	158
3.3	<i>CITES</i>	160
3.4	<i>CMS and the Sharks MoU</i>	163
4	Responses within RFMOs	165
5	A Shark Commission? Lessons from Whales	169
6	Interaction between International Institutions	176
7	<i>Conclusion</i>	179
7	Enforcement and Compliance	181
1	Legal Framework for Enforcement under UNCLOS and the 1995 Fish Stocks Agreement	184
1.1	<i>In the EEZ</i>	185
1.2	<i>On the High Seas</i>	187

1.2.1	Exclusive Flag State Jurisdiction	187
1.2.2	Boarding and Inspecting Vessels Flagged to Another State	188
2	Port State Measures	190
3	Inspections, Monitoring and Other Enforcement Processes: Lessons from RFMOs	193
4	Compliance with Treaty Obligations: CITES, CMS and CBD	200
	4.1 CITES	201
	4.2 CMS	203
	4.3 CBD	205
5	Dispute Settlement Options	206
6	Sanctions and Trade Restrictions	211
7	Conclusion	213
8	Broader Lessons Learned: A Principled Approach	215
1	Lessons Learned for Sharks	216
	1.1 <i>International Legal Regime</i>	216
	1.2 <i>Spatial and Species Measures</i>	222
	1.3 <i>Structural Issues</i>	224
	1.4 <i>Compliance and Enforcement</i>	227
2	Lessons Learned for Other Marine Species	232
	2.1 <i>Commonalities between Sharks and Other Marine Species</i>	233
	2.2 <i>Lessons from Other Marine Species</i>	234
3	Lessons for Governance and Sustainability	236
4	Virtual Treaty Regime	239
5	Conclusion	243
	Bibliography	245
	Index	274

Series Editor's Preface

This work by Professors Erika Techera and Natalie Klein is the twenty-fourth volume in the Brill Nijhoff series on *Legal Aspects of Sustainable Development* published under my General Editorship. The aim of this series is to publish works at the cutting edge of legal scholarship that address both the practical and the theoretical aspects of this important concept.

Sharks are among the oldest of all fish species and, Techera and Klein tell us, also the most misunderstood of marine species. Far from being restricted to the apex predators of popular legend, there may be as many as 1000 species, including of course filter feeders like the basking shark and the whale shark. What most shark species share however is a precipitous decline in numbers. Slow reproduction rates, overfishing through both targeted catch as well as by-catch, exacerbated by the high value of their fins, are now bringing some species to the brink of extinction.

This volume is a detailed and erudite study of the way in which the conservation of shark species is currently addressed by law and policy, but it has wider significance as a fascinating case study of the operation, and essential limitations, of our existing system of global environmental governance. In a very wide ranging analysis it considers the general international law framework within which shark conservation is set, including relevant principles developed by treaty and custom; it looks generally at the range of applicable species-based measures; it considers relevant spatial and area measures as well as assessing critically the role of key institutions and issues of enforcement and compliance. The authors conclude with a number of interesting and challenging proposals including discussion of an innovative 'virtual treaty' regime, under which the global governance of sharks could be 'reimagined as a molecular structure; organic, living and evolving, just as sharks have done for millennia'.

I am delighted to include this volume in the series. It is based on excellent research and scholarship; it addresses a specific and highly topical aspect of our global effort to achieve sustainable development. The spotlight of the work is on sharks but there are important lessons here for the management of other marine species and resources.

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