Preface

Having practised as an environmental lawyer in the public sector for 15 years, I have always been intrigued by the invasive nature of environmental law and its influence on other legal fields that had evolved before it. Securing the sustainability of stocks was already a fundamental aspect of international fisheries law when the 1992 Earth Summit highlighted the need for regulating the utilization of natural resources on the basis of sustainable development. Nevertheless UNCED has been highly influential upon the development of fisheries law in these last two decades. It stressed, amongst other things, the need for a more holistic perspective and sought the integration of socio economic issues into environmental concerns and vice versa. Since 1992, the International community has struggled to come to terms with translating this common objective into substantive norms so as to ascertain the sustainable use of high seas living resources. Above all, it sought to elicit the legal obligations and the required methodology to reach this goal. This process, however, also exposed the fragmentation of applicable international regimes addressing the conservation of high seas living resources. This is mainly due to its different sources and the diverse interpretation of the same legal terms as perceived by various international fora. I believe it was the perplexed feelings of my non-legal colleagues, who expect the law to be both certain and specific, which instilled in me the desire to write on this subject.

Carrying out research to assess to what extent harmonization may be achieved amongst the applicable regimes regulating the sustainable use of high seas living resources has proved to be a more fascinating subject than I ever imagined. The conservation of high seas living resources is a perfect example of how international law, in its infinite variety, has become super specialized as it adapts to contemporary needs and expectations, despite its dependency upon a primitive law-making system. Marine living resources have immensely diverse characteristics and life cycles. They roam freely, ignoring jurisdiction claims pertaining to human-made boundaries. They remain an essential source of sustenance not only for humans and states’ economies but also for biodiversity in its entirety. In sum, effectively regulating the sustainable use of such resources is, euphemistically speaking, a tall order. Furthermore a harmonized regime is a sine qua non for
ensuring the conservation of stocks that constitute a vested interest for many stakeholders.

This research project has also been in itself an unforgettable experience due to my mentor, Professor W.T. Burke, whose standing as a professor of maritime law, and of fisheries law in particular, is legendary. I am very grateful for his support, guidance and patience, especially for his frank remarks and constant encouragement. It has been an honour to work under his tutorship. I would also wish to express my deep gratitude towards Professor David Attard, Judge International Tribunal for the Law of the Sea and Director of IMLI, who has always encouraged me to pursue my studies and to whom I am especially grateful for introducing me to the subject of international environmental law at the beginning of my career. I am indebted to Dr Evelyn Meltzer for generously sharing with me her matrices on RFMOs, whilst she was still doing her research work. I am also very grateful to Dr Matthew Camilleri at FAO, who has made it possible for me to visit the FAO library and access FAO documents. Thanks also go to the staff at the IMO International Maritime Law Institute for their cheerful disposition when visiting the library. I wish to thank all the people at Edward Elgar Publishing involved in the making of this book, especially the editors of this series, Zen Makuch and Kurt Deketelaere who are both good friends and colleagues, Ben Booth, Laura Seward, Gillian Wright and Madhubanti Bhattacharyya, for making this dream a reality. I also wish to express my gratitude towards my many friends for their unity and prayers; when times were tough they kept me going. Above all I thank my family: my father for instilling within me love for learning and my mother for teaching me how to bear it all when pursuing it. I thank my daughters heartily for bearing with me these last three years. They will be relieved to hear that finally, ‘mum has finished writing her book about sea creatures’. To my husband Paul, I am especially grateful for believing in me, for making it possible, for being there to listen. This work is yours just as much as it is mine.