

CHAPTER XII

Straddling & Highly Migratory Flags

Davor Vidas
Fridtjof Nansen Institute

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ABSTRACT

Do we have a good understanding of how the “illegal, unregulated and unreported” fishing (IUU) operates? Is our diagnosis of the problem right? If so, do we have means available in international law to deal with this problem? Or, conversely, are IUU operators more successful in dealing with international law, by taking the advantage of the principles such as flag state jurisdiction and *pacta tertiis* for their purposes? Is the Law of the Sea currently adequately equipped, or at all called for, to directly address all the links in the IUU chain? Or, perhaps, could the Law of the Sea—especially through regional fisheries bodies—more effectively address the IUU chain by mechanisms not directly “sea-born”?

This presentation will look at the IUU operation through its two main segments in the international sphere—the IUU fishing vessel at sea, and the IUU catch in international trade—and will through this perspective briefly review the above questions.

* Director, Polar Programme & Senior Research Fellow, Fridtjof Nansen Institute, Norway (email: davor.vidas@fni.no).