



MELBOURNE LAW SCHOOL

Australia's first, Australia's global

RESEARCH WORKSHOP ABSTRACT

BY DR MARGARET YOUNG (Melbourne Law School)

Monday, 2 March 2009

Fragmentation and Regime Interaction in International Law: Lessons from Trade, Environment and Fisheries Regimes

States have achieved cooperation on issues like trade facilitation and species protection by creating legal regimes such as the World Trade Organisation and the Convention on the International Trade in Endangered Species. These regimes have particular sets of norms and implementing institutions, were developed at different times and have different state members. This "fragmentation" of international law presents significant hurdles when global problems, such as fisheries depletion, involve multiple existing regimes. There is considerable uncertainty about how regimes should interact during the negotiation, implementation and adjudication of international law. For example, states may consider that their sovereignty is threatened if the implementing or adjudicating bodies within one regime take account of the norms of another regime, particularly if the state membership of the two regimes is not uniform. In response, this paper proposes a legal framework for regime interaction that enables international law to adapt to normative pluralism and institutional diversity when addressing complex global problems such as the crisis in world fisheries.