PART FOUR

COMPLIANCE WITH INTERNATIONAL REGULATIONS: ADDRESSING ENFORCEMENT GAPS IN THE LEGAL REGIME FOR AREAS BEYOND NATIONAL JURISDICTION
THE ANTHROPOCENE, AUTOPOIESIS
AND THE DISINGENUOUSNESS OF THE
GENUINE LINK: ADDRESSING ENFORCEMENT
GAPS IN THE LEGAL REGIME FOR AREAS
BEYOND NATIONAL JURISDICTION

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1. The Anthropocene and Areas beyond National Jurisdiction

The Earth has entered the anthropocene era: the era in which human activities have begun to have a significant global impact on the Earth’s climate and ecosystems. According to the International Geosphere-Biosphere Programme:

human activities are now so pervasive and profound in their consequences that they affect the Earth at a global scale in complex, interactive and apparently accelerating ways; humans now have the capacity to alter the Earth System in ways that threaten the very processes and components, both biotic and abiotic, upon which the human species depends.¹

Covering more than 60 percent of the Earth’s surface, the oceans comprise a complex, dynamic and vast component of the Earth’s ecological system, second in size only to the global atmosphere. The oceans are a major provider of ecosystem services, food, mineral and other resources, and a major medium for global transportation and communication. Nevertheless, while once thought inexhaustible, unlimited and capable of supporting any human activity or use, it is now clear that the oceans are exhaustible and that increasing and intensifying human activities and uses are pushing the oceans to the limits of their ecological carrying capacity.

The adverse effects of activities such as over-fishing and destructive fishing practices and pollution of the marine environment have been well documented. In the fisheries context, more than 75 percent of the world’s fish stocks are reported as already fully exploited or over-exploited or depleted.

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