

Wreck Law

A Systematisation of Legal Interests and Conflicts



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Abstract

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The purpose of this thesis is to systematise legal interests and conflicts in relation to wrecks and wreck removal. The ambition of the systematisation is to provide a framework and a perspective of this area of law and the context in which these interests and conflicts reside. In order to achieve this, a classification of different wrecks is made. Wrecks are distinguished based on the problems that they can cause as well as other factors such as proprietary interests, ethical aspects and time. The study explores wrecks that pose hazards to the environment or to the navigation of other vessels, as well as wrecks that are subject to different needs of protection as a consequence of being dangerous, historical or sites that contain human remains. Wrecks are also distinguished in relation to time depending on whether the wreck is historical, modern or in-between these two categories. In relation to all these aspects, several jurisdictions, ranging from English law to the Nordic legal systems, and the variety of norms and perspectives that they bring to the area have been studied. Also the historical background to these issues as well as different interpretations and definitions of wreck are discussed. The systematisation can be used in various ways, e.g. in order to analyse problems involving wrecks and wreck removal as well as discussing possible regulatory mechanisms and solutions that can deal with the identified interests and conflicts. By systematising the interests and conflicts, a structure is created which makes it easier to approach and understand this area of law and the legal norms that are involved. The contribution of this work amounts to new knowledge because of the understanding that the structure brings as a whole but also in its different parts along with the legal issues that are analysed there.

Keywords: Wreck law, maritime law, private law, wreck removal, shipwrecks, wrecks, shipping

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