

United Nations Convention on the Law of the Sea and Marine Scientific Research

General aspects

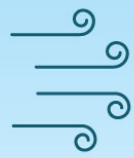


Content of presentation

- ❑ Why MSR?
- ❑ Overview of the law of the sea - UNCLOS
- ❑ Overview of MSR under UNCLOS

OUR WORLD OCEAN provides

THE AIR WE BREATHE



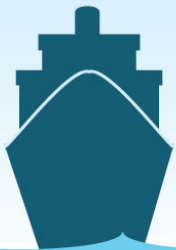
>50% The ocean produces over half of the world's oxygen and stores 50 times more carbon dioxide than our atmosphere.

CLIMATE REGULATION

70% Covering 70% of the Earth's surface, the ocean transports heat from the equator to the poles, regulating our climate and weather patterns.



TRANSPORTATION



76% Percent of all U.S. trade involving some form of marine transportation.

RECREATION



From fishing to boating to kayaking and whale watching, the ocean provides us with so many unique activities.

ECONOMY



\$282 billion Amount the U.S. ocean economy produces in goods and services. Ocean-dependent businesses employ almost 3 million people.

FOOD

The ocean provides much more than just seafood. Ingredients from the sea are found in surprising foods such as peanut butter and soymilk.



MEDICINE

Many medicinal products come from the ocean, including ingredients that help fight cancer, arthritis, Alzheimer's disease, and heart disease.



Why MSR?

- ☐ Only about 30% of the oceans as been explored
- ☐ Advances in science and technology allows for increasing study
- ☐ The deep sea is seen as source of future scientific discoveries and resources
- ☐ A strong and dependable scientific knowledge base is fundamental for informed political and economic decision-making

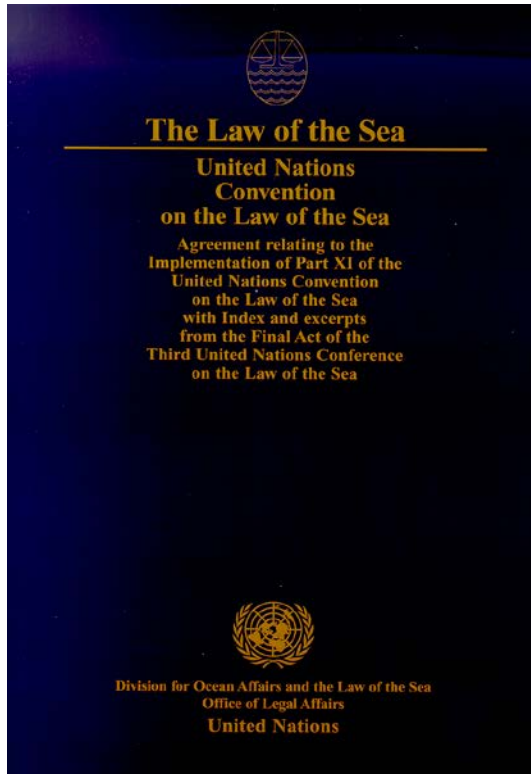
Why a legal framework for MSR?

- ☐ Researching States concerned about establishment of new maritime zones (e.g. EEZ)
- ☐ Coastal States unsure about nature and implications (inc. security) of MSR
- ☐ All States interested in potential benefits of MSR
- ☐ Coastal States in particular developing States weary of scientific and technological gap



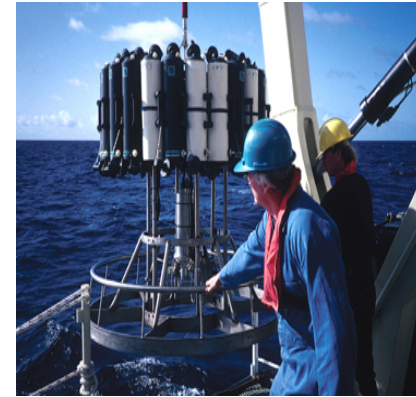
UNCLOS

- ❑ 1982 United Nations Convention on the Law of the Sea
- ❑ “Constitution for the oceans” - legal regime governing all ocean space
- ❑ 168 parties



UNCLOS

Legal framework for all activities in the oceans and seas

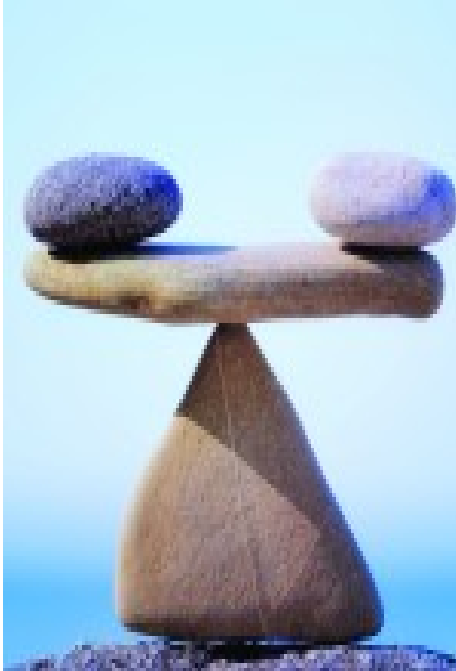


Implementing agreements

- ☐ Agreement relating to the implementation of Part XI
- ☐ United Nations Fish Stocks Agreement (straddling stocks and highly migratory stocks)



UNCLOS Part XIII



- ❑ A comprehensive global regime for the promotion and conduct of MSR
- ❑ A balance between rights and interests of coastal States and of other States

Scope of MSR

- ❑ Some differing views offered in negotiating process (pure/applied research)
- ❑ No definition in UNCLOS
- ❑ Other related activities: survey activities, prospecting, exploration and exploitation

Part XIII

Section 1
General provisions

Section 2
International cooperation

Section 3
**Conduct and promotion
of MSR**

Section 4
**Scientific research
Installations or
Equipment in the
Marine environment**

Section 5
**Responsibility and
Liability**

Section 6
**Settlement of dispute
And interim
measures**



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General Provisions

- ❑ All States, irrespective of their geographical location, and competent international organizations have the right to conduct MSR
- ❑ States and competent international organizations must promote and facilitate the development and conduct of MSR

General Provisions

- ☐ Conducted exclusively for peaceful purposes
- ☐ No unjustifiable interference with other legitimate uses of the sea
- ☐ Conducted in compliance with all relevant regulations, including for protection and preservation of the marine environment
- ☐ No legal basis for any claim to any part of the marine environment or its resources

International Cooperation

- ❑ Promotion of international cooperation on the basis of mutual benefit
- ❑ Creation of favorable conditions for the conduct of MSR
- ❑ Publication and dissemination of information and knowledge
 - ✓ Promotion of flow of scientific data and information and transfer of knowledge, especially to developing States
 - ✓ Strengthening of MSR capabilities of developing States



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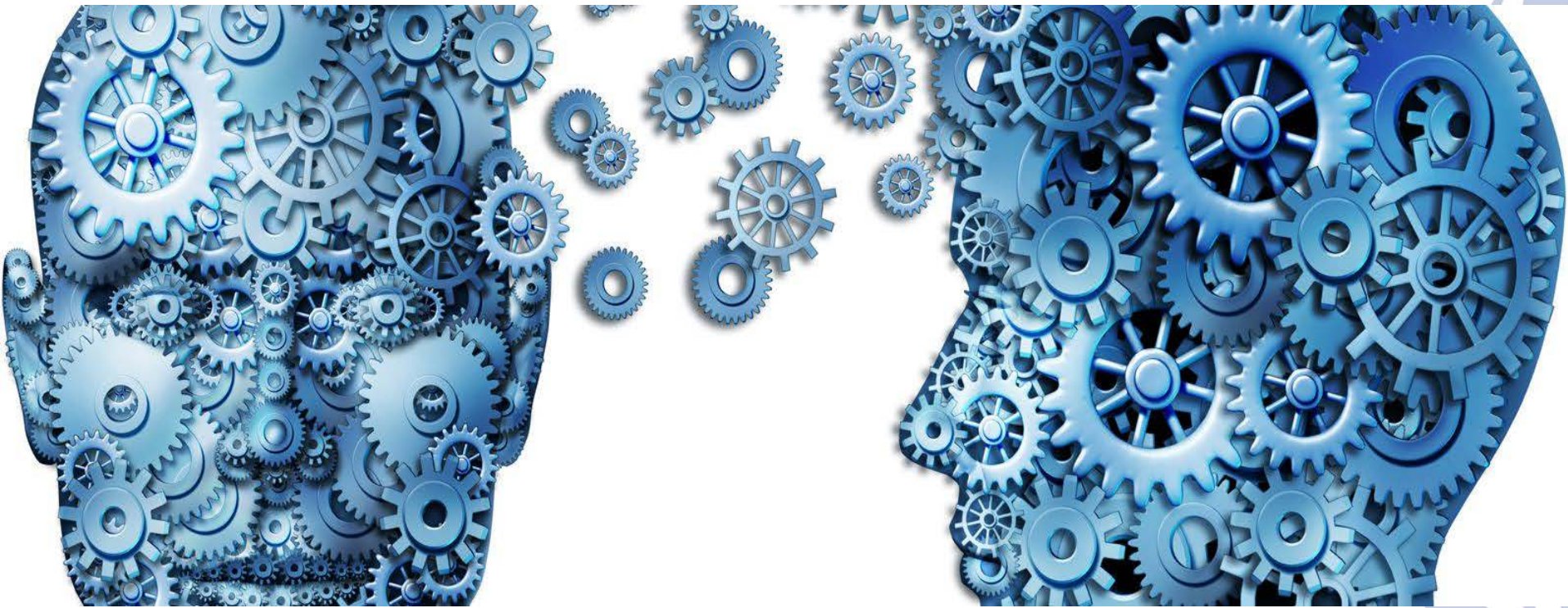
International Cooperation

- ❑ Promotion of international cooperation in relation to MSR in the Area (art.143)
- ❑ States bordering enclosed and semi-enclosed seas coordinate their scientific research policies and undertake joint programmes of scientific research (art.123)
- ❑ Cooperation for promoting studies, undertaking programmes of scientific research and encouraging the exchange of information and data acquired about pollution of the marine environment (art.200)
- ❑ Cooperation in establishing appropriate scientific criteria for the formulation and elaboration of rules, standards and recommended practices and procedures for the prevention, reduction and control of pollution of the marine environment (art.201)

Promotion and facilitation of MSR

- ☐ Promote the establishment of general criteria and guidelines to assist in ascertaining the nature and implications of MSR
- ☐ Adopt reasonable rules, regulations and procedures to promote and facilitate MSR beyond their territorial sea and facilitate access to their harbours and promote assistance for MSR vessels

Development and Transfer of Marine Technology



Current Challenges

- ☐ Better dissemination of knowledge, information and data
- ☐ Strengthening co-operation and co-ordination
- ☐ Growing need for multidisciplinary research
- ☐ Transfer of technology
- ☐ Establishing better links between marine scientists and policymakers and managers

Some food for thought

- ❑ All States and human kind are interested in the potential benefits of MSR
- ❑ Need to improve scientific understanding of marine and coastal ecosystems for sound decision making
- ❑ Need to strengthen research capabilities of developing States and capacity to implement international instruments through capacity building
- ❑ Need to develop appropriate legislation/regulation/procedures to facilitate conduct MSR and data dissemination

Recent Developments

- ☐ The Future We Want (Rio+20)
- ☐ SAMOA Pathway
- ☐ Agenda 2030 - Sustainable Development Goal 14(a)
- ☐ First Global Integrated Marine Assessment (World Ocean Assessment)



Thank you for your attention!



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