LEGAL REGIME GOVERNING THE CONDUCT OF MSR IN THE AREA

Marie BOURREL-McKINNON

Senior Policy Officer- Special Assistant to the Secretary-General

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OVERVIEW OF
THE LEGAL REGIME APPLICABLE
TO MSR
Part XIII
MSR

Art. 240 (c)
Not unjustifiably interfere with other legitimate uses

Art. 240 (d)
compliance with relevant regulations

Art. 256
Right of all States to conduct MSR in the Area

Part X
The Area

UNCLOS

Art. 143(1)
peaceful purposes & benefit of mankind

Art. 143(3)
international cooperation

Part VII
High Seas

Art. 87(1) (f)
freedom of MSR

Art. 87(2)
Due regard
• for the interests of other States
• for the rights under UNCLOS w/ respect to activities in the Area.

Part XI
The Area

Art. 143(3)
APPLICABLE RULES
FOR MSR
IN THE AREA
Responsibility to ensure compliance & liability for damage

Art.139

Parties responsible to ensure that activities in the Area are carried out in **conformity** with UNCLOS

**Liability** of a State Party for damage caused by a failure to carry out its responsibilities
Protection of the marine environment

Art.145

Necessary measures to be taken to ensure effective protection for the marine environment

ISA responsible for adopting appropriate rules, regulations & procedures
Accommodation of activities in the Area and in the marine environment

Art.147

“reasonable regard” for other activities in the marine environment

reciprocal provision (“reasonable regard” for activities in the Area)
Figure 13. Examples of exploration tools.

Source: SPC (2016)
Role of ISA?

- carry out MSR
- enter into contracts
- promote & encourage the conduct of MSR
- develop programs for developing States & technologically less developed States

Dissemination of research results & analysis

Exclusive right of contractors

Knowledge hub

Facilitate Operation

Regulation

Foster International Cooperation

P-SIDS Regional Training & Capacity Building Workshop on Deep-Seabed Mining / 12-14 August 2019 – Tarawa, Kiribati
TO CONCLUDE

MSR activities in the Area must **not unreasonably interfere** with a contractor’s rights and duties under its contract with ISA.

**due regard**
Ko Rabwa!