

Legal regime governing the exploration and exploitation of resources, and the protection and preservation of the marine environment

Alice Hicuburundi, Principal Legal Officer

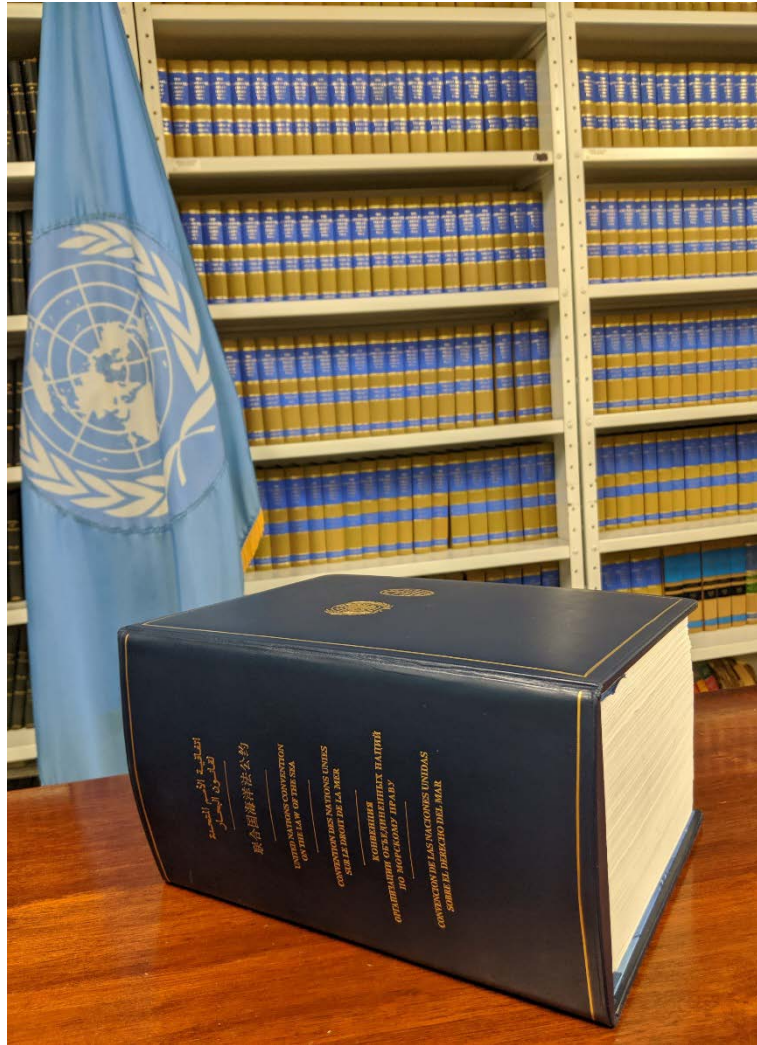


DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA
UNITED NATIONS

IMPORTANT

The designations employed and the presentation of the material in this presentation do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. Provision of information concerning developments relating to the law of the sea emanating from actions and decisions taken by States does not imply recognition by the United Nations of the validity of the actions and decisions in question.

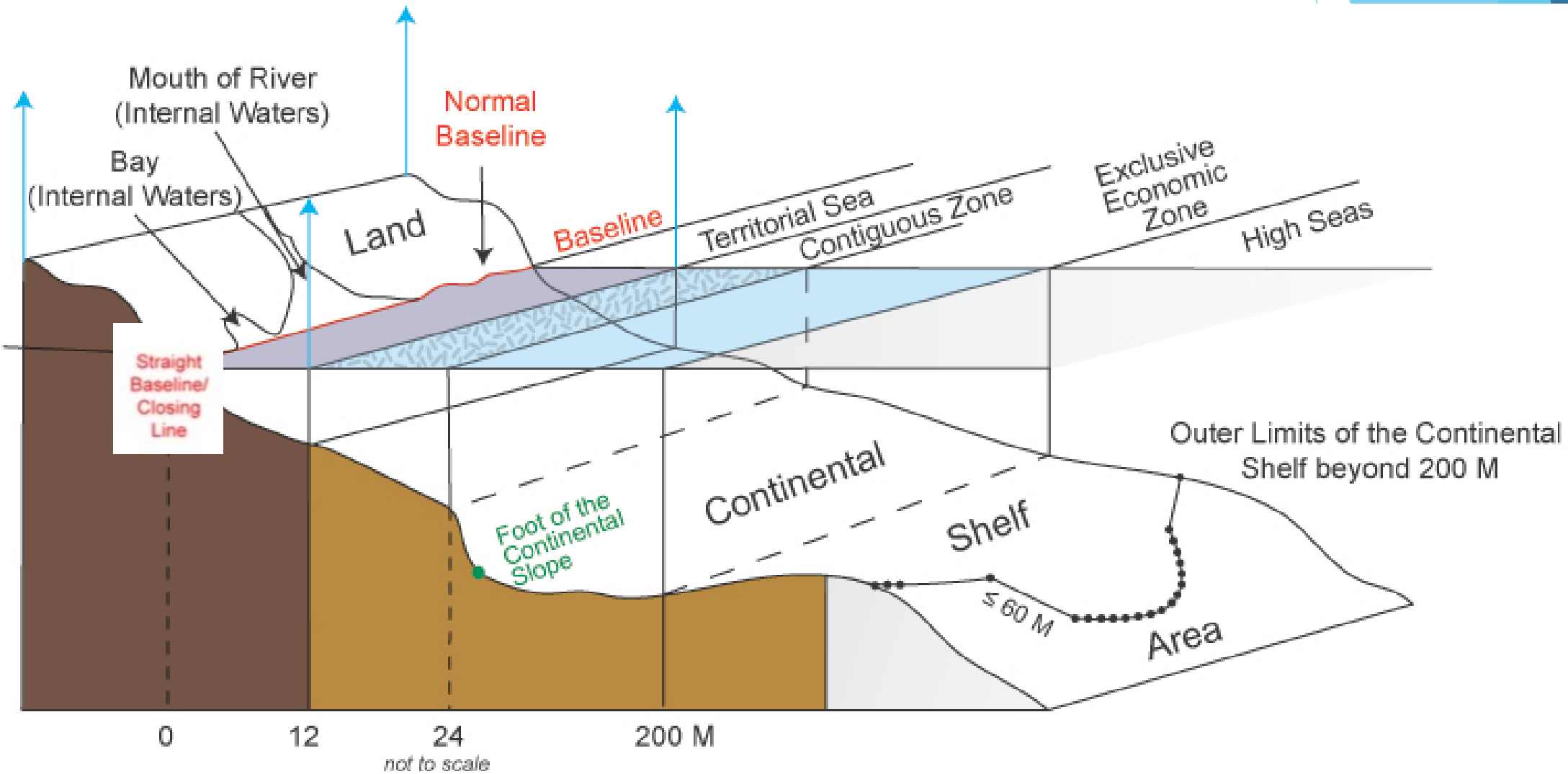
Unless expressly stated otherwise, the findings, interpretations and conclusions, if any, expressed herein are those of the United Nations staff member who prepared it and/or deliver it and do not necessarily represent the views of the United Nations or its Member States.



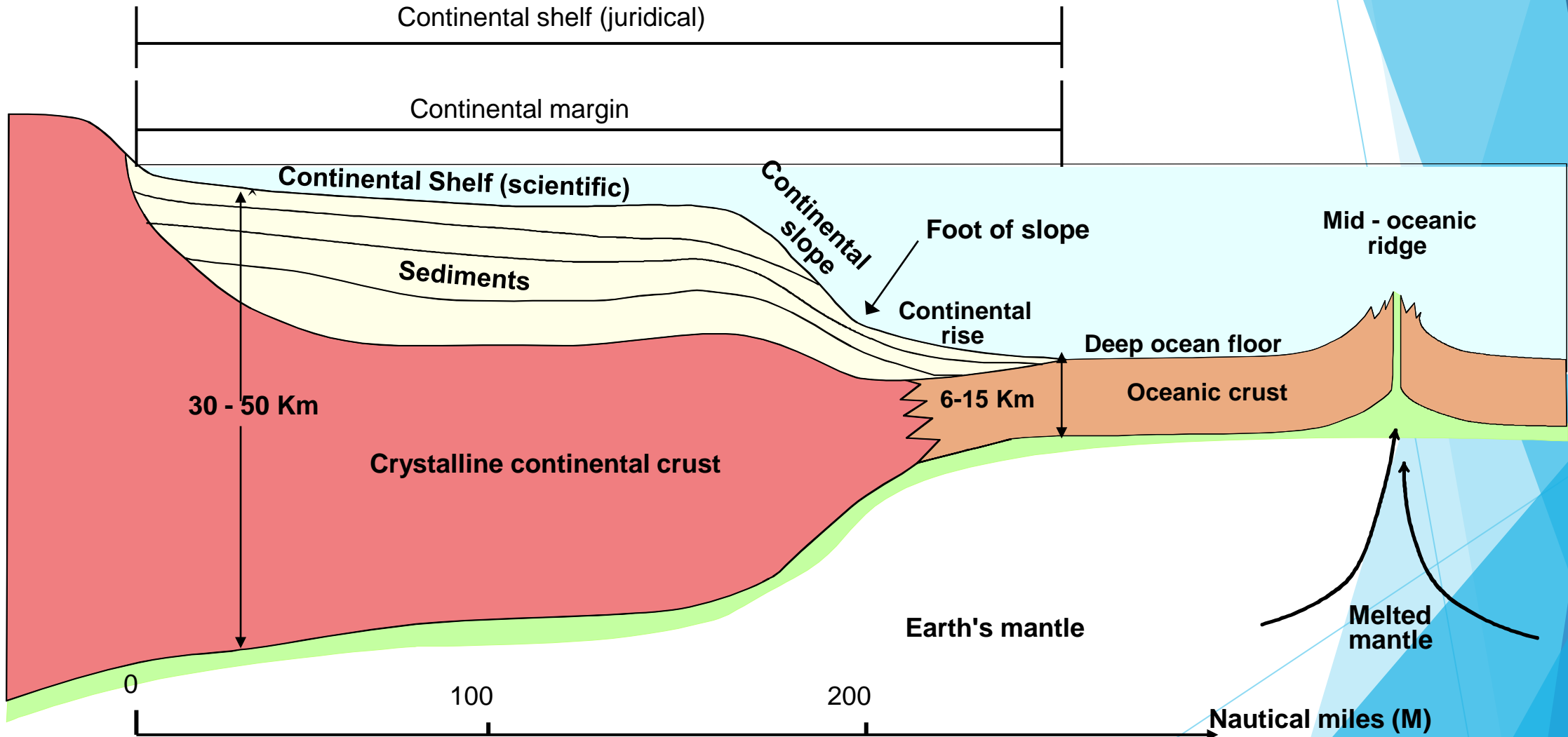
United Nations Convention on the Law of the Sea (UNCLOS)

- ▶ 168 States Parties
- ▶ Known as “Constitution for the oceans”
- ▶ Recognizes that problems concerning the ocean space are closely interrelated and should be considered as a whole

Maritime zones - overview



Continental shelf



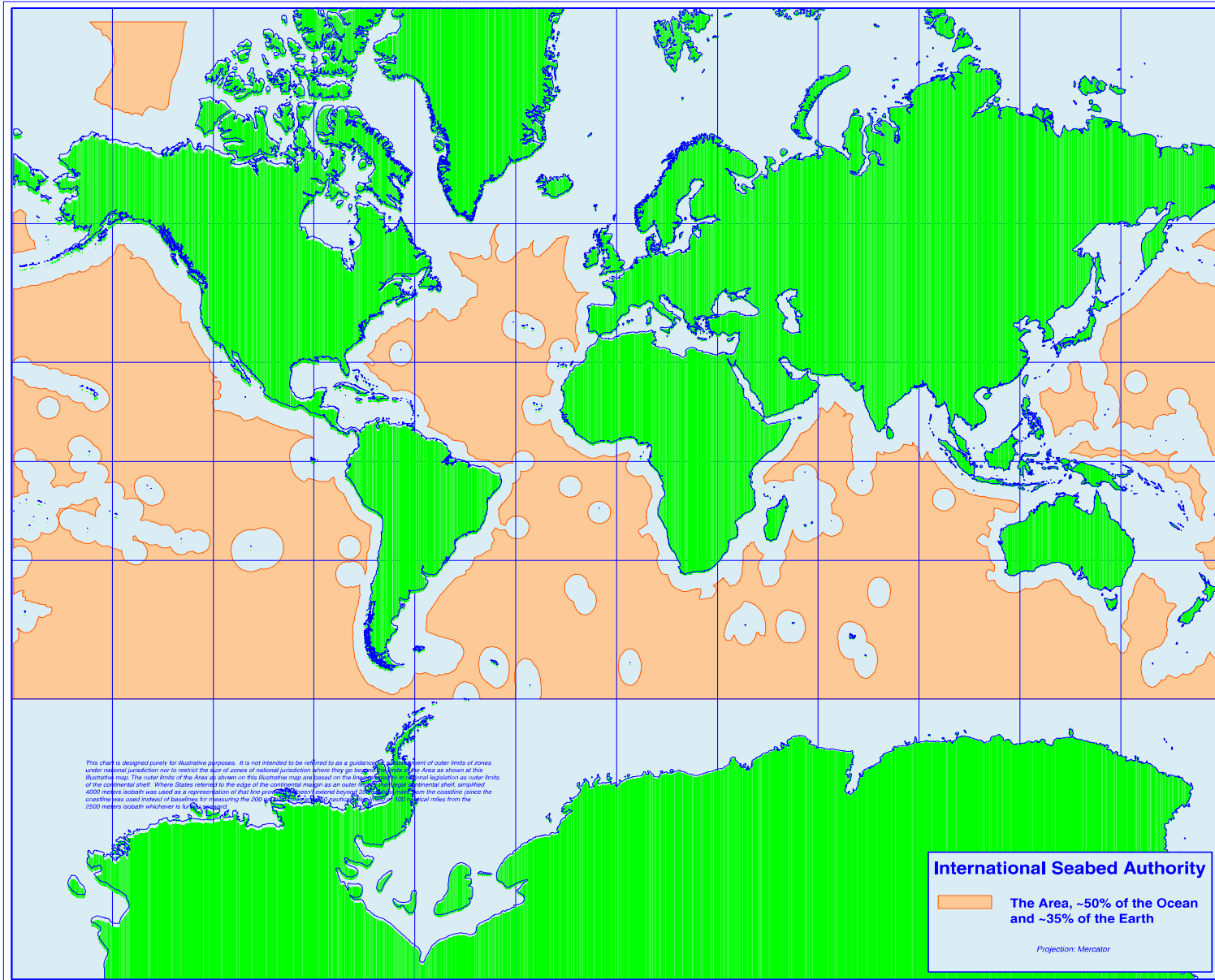
Continental shelf: exploitation of resources

A coastal State has exclusive sovereign rights for the purpose of exploring the continental shelf and exploiting its natural resources

Revenue-sharing system: payments and contributions with respect to exploitation of the continental shelf beyond 200 nautical miles

Such payments and contributions are to be equitably distributed among States Parties through the ISA





The Area

Protection and preservation of the marine environment (Part XII)

- General obligation to protect and preserve the marine environment in Part XII
- Qualified by the sovereign right of States to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment



Protection and preservation of the marine environment (Part XII)

- Prevent, reduce and control pollution from any source
- Measures to protect and preserve rare or fragile ecosystems and the habitat of depleted, threatened or endangered species and other forms of marine life
- Duty not to transfer damage or hazards or transform one type of pollution into another
- Measures to prevent harmful use of technologies or introduction of species





Protection and preservation of the marine environment (Part XII)

- Global and regional cooperation
- Assistance to developing states
- Monitoring and assessment
- Adoption of national laws and regulations
- Enforcement
- Responsibility and liability



NAIROBI
CONVENTION



ABIDJAN CONVENTION
CONVENTION D'ABIDJAN

Protection and preservation of the marine environment (Part XII)

- Necessary measures must be taken in accordance with the Convention with respect to activities in the Area to ensure effective protection for the marine environment from harmful effects which may arise from activities in the Area



Photo: IFREMER

Due diligence obligation of sponsoring States to ensure that activities in the Area are conducted in compliance with UNCLOS, the ISA's rules and regulations, and the exploration contract

To perform this obligation, sponsoring States must apply or carry out:

- *The Precautionary Approach*
- *Best Environmental Practices*
- *Environmental Impact Assessments*

Standard of due diligence not differentiated for developing sponsoring States

**2011
Advisory
Opinion
of the
Seabed
Disputes
Chamber**

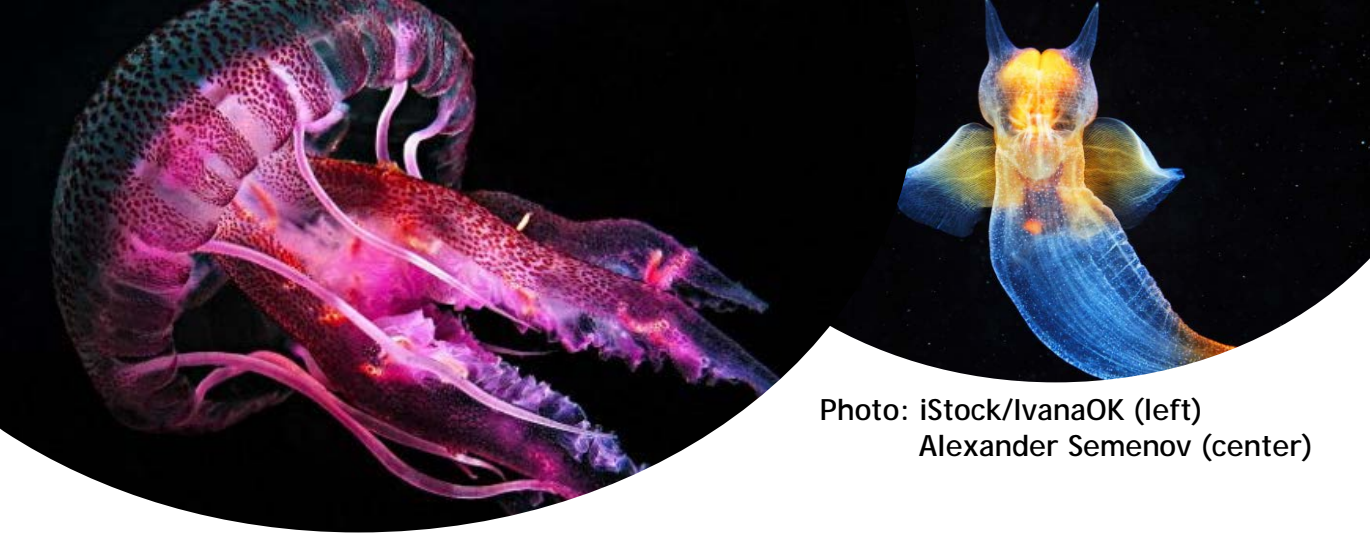


Photo: iStock/IvanaOK (left)
Alexander Semenov (center)

Conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction



Thank you!
Merci!

