

The 1982 Law of the Sea Convention: Environment and Sustainability

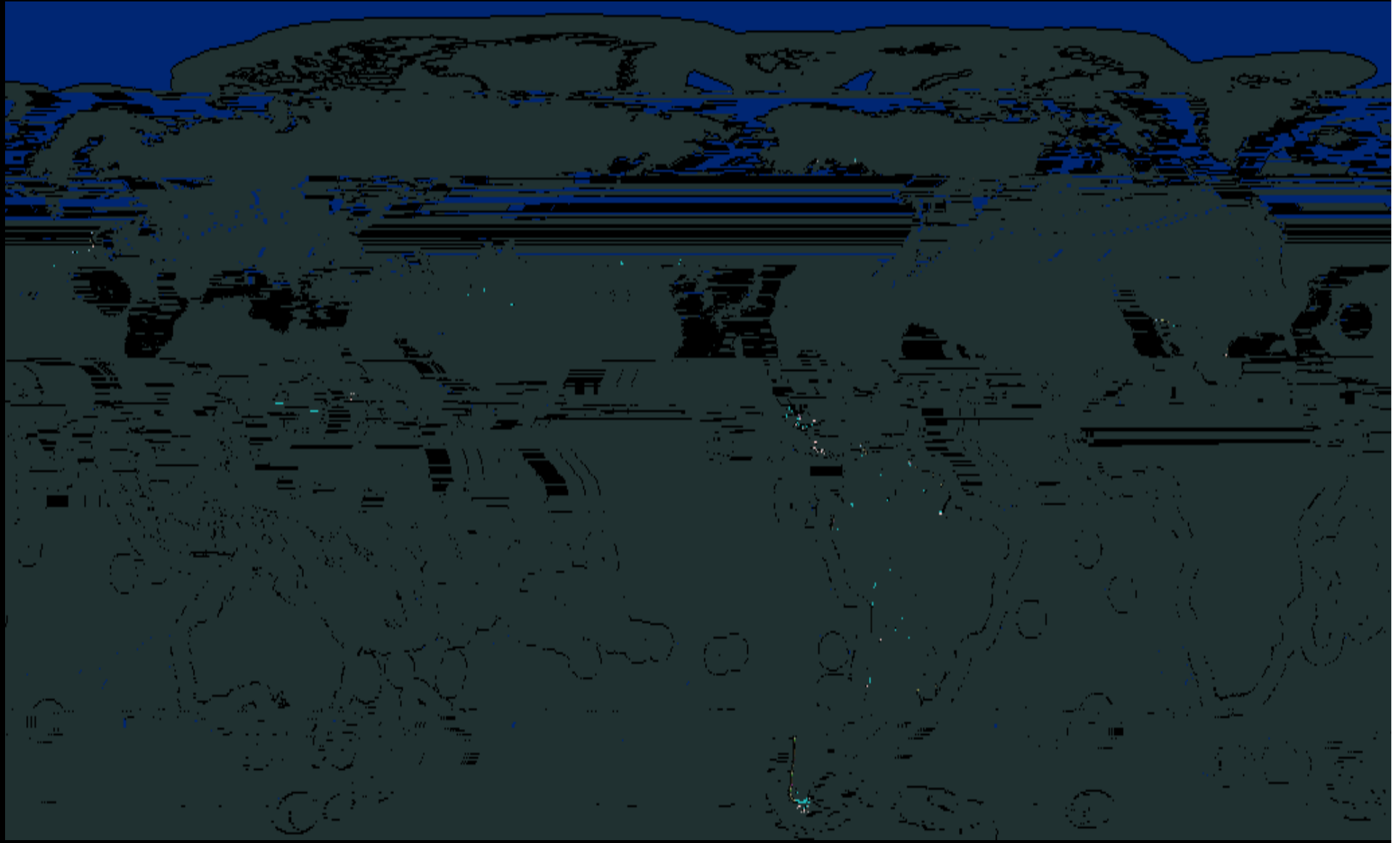
Dr David Freestone

UN DOALOS Side Event
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Contents

- Oceans cover 70% of the planet
 - >50% is high seas
 - > 40 % strongly affected by human activities
- Legal Regime
 - 1982 UN Convention
 - 166 parties to LOSC
 - Developed by 1995 UN Fish Stocks Agreement
 - 81 parties to UNFSA

Oceans cover $>70\%$ of the planet
 $>50\%$ is high seas



Legal Regime

Plethora of Instruments

1982 Law of the Sea Convention

1992 Rio Declaration and Agenda 21

1993 FAO *Agreement on the High Seas* (1993) 32 ILM 1070 (1993) 1070-1071

LOSC Part XII: Protection and preservation of the marine environment

Article 192

States have the obligation to protect and preserve the marine environment

Article 194.5

The measures taken ... shall include those necessary to protect and preserve rare or fragile ecosystems as well as the habitats of depleted, threatened or endangered species and other forms of marine life.

LOSC Part XII: Environmental Protection

Art 204 : States shall keep under surveillance the effects of any activities which they permit or in which they engage in order to determine whether these activities are likely to pollute the marine environment.

Art 205 : States shall publish reports ...or provide such reports to the competent international organizations, [to be] available to all States.

Art 206 :When States have reasonable grounds for believing that planned activities under their jurisdiction or control may cause substantial pollution of or significant and harmful changes to the marine environment, they shall, as far as practicable, assess

1982 LOSC Part VII

Conservation requirements

VII.§2: Conservation and management of the living resources of the high seas

116: All states have the right for their nationals to engage in fishing on the high seas, subject to

(a) their treaty obligations

(b) the rights and duties, as well as the interests of coastal states, provided for inter alia in article 63,

1982 Law of the Sea Convention

ART 119: In establishing TACs and other conservation measures

Take measure to 'maintain and restore populations of harvested species at levels which can produce MSY'

On the 'best scientific evidence available' to state concerned

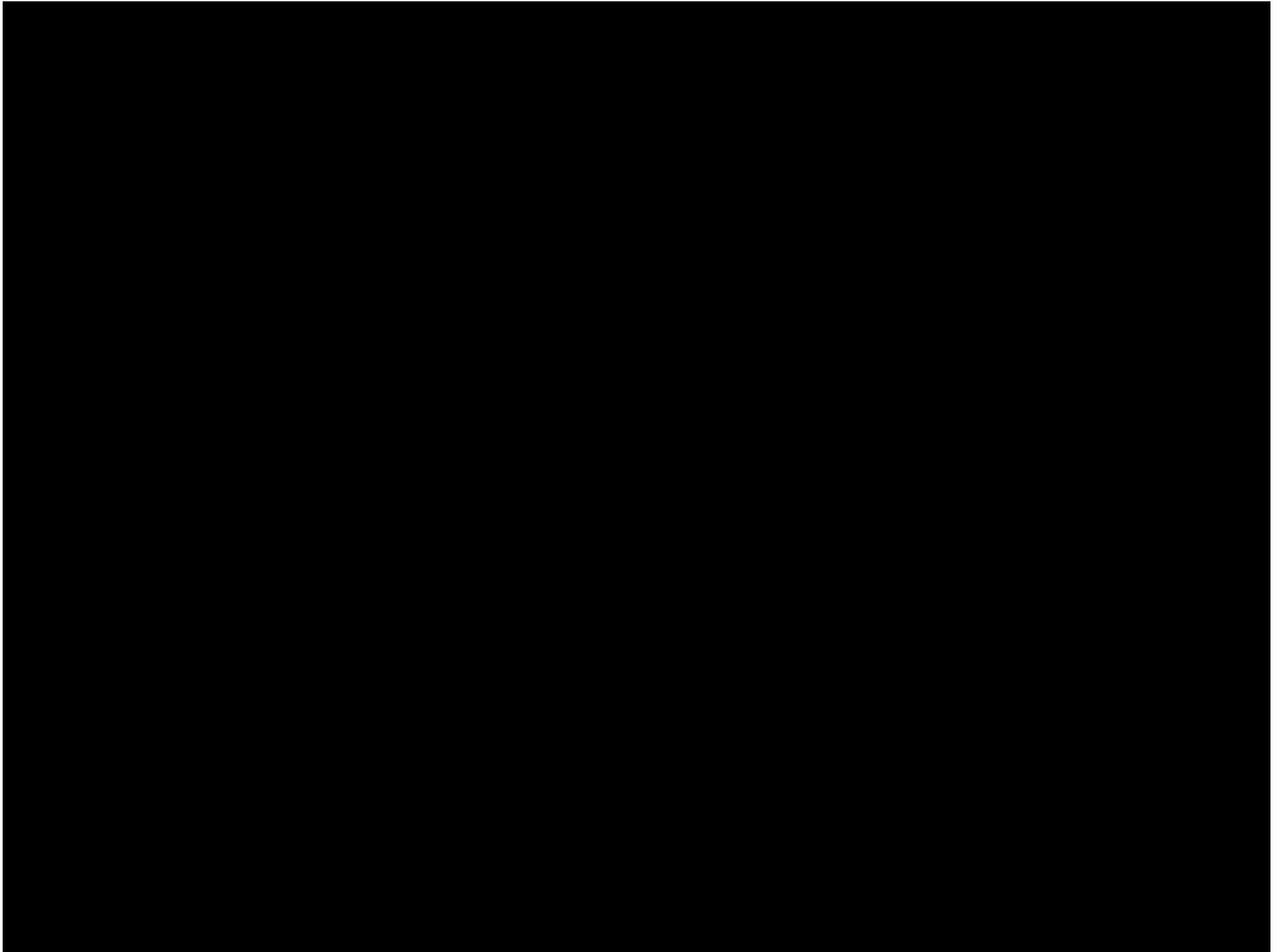
As qualified by relevant environmental and economic factors:

- Special requirements of developing states

- Fishing patterns

- Interdependence of stocks

- Generally recommended international minimum standards



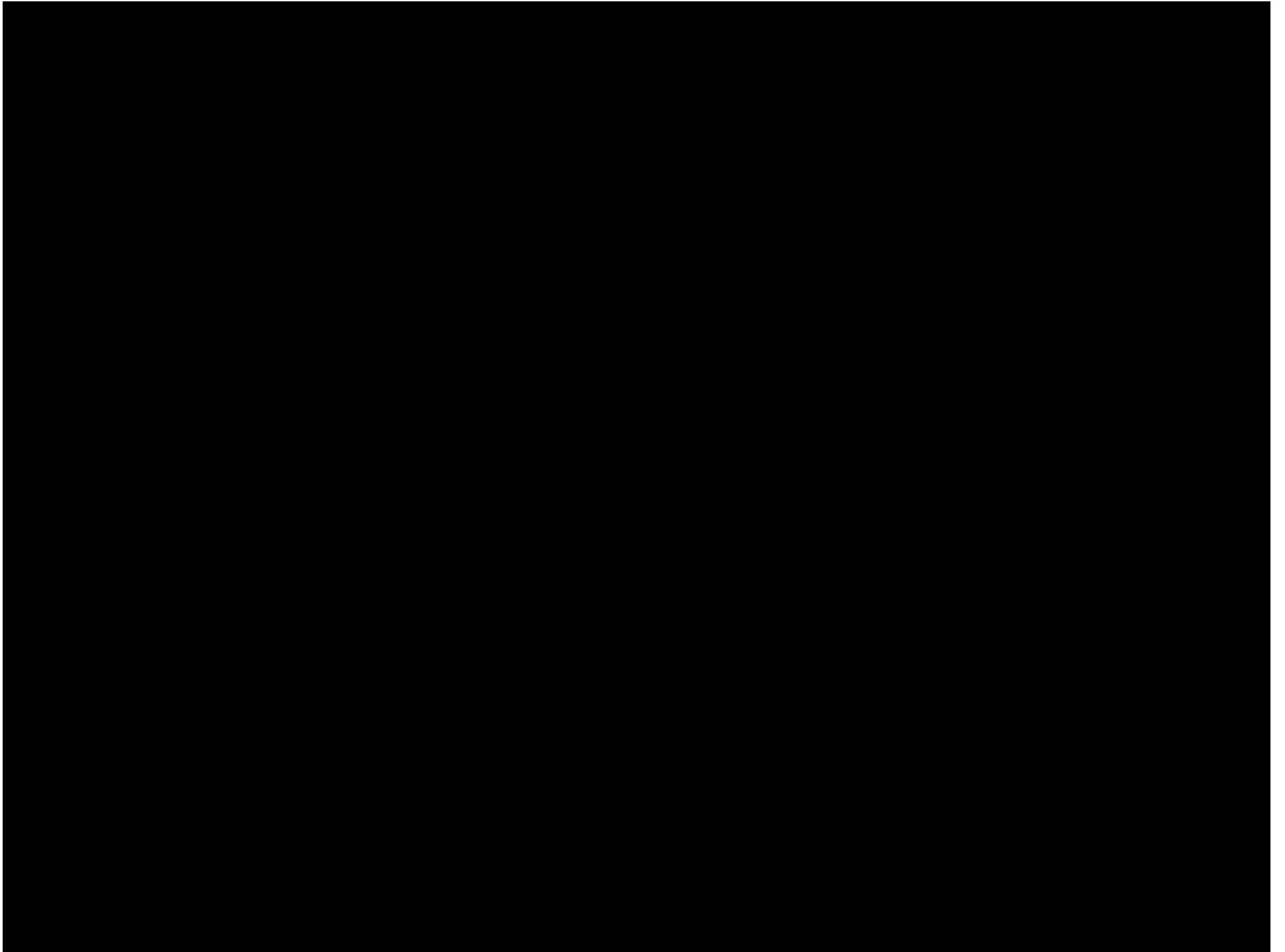
LOSC Unfinished Agenda ?

UNGA set up Ad Hoc Working Group on
Biological diversity in ABNJ - BBNJ

Met in 2006, 2008, 2010, 2011, 2012, 2013

Identified some key issues that it suggests
need codification

Principles of ABNJ governance



LOSC Part XII: Environmental Protection

Art 197

