

December 03-04, 2018
Rome, Italy

J Mar Biol Oceanogr 2018, Volume 7
DOI: 10.4172/2324-8661-C2-015

Marine science and ocean law in the high seas

Robin Kundis Craig

University of Utah, USA

Background: Beginning with a brief discussion of how the law divides up the sea, this talk will then focus on the evolving extensions of law and policy into the open ocean or high seas, which traditionally have been beyond the jurisdiction of any one nation and generally subject to a freedom of the seas regime. However, freedom of the high seas is eroding, and science is critical to the protection and use regimes that are replacing it. For example, world governments agreed in 2015 that the UN Convention on the Law Of the Sea (UNCLOS) should be expanded to include a new legally binding instrument on the conservation and sustainable use of Biodiversity in areas Beyond National Jurisdiction (BBNJ). The regulations are still being developed, but they are expected to address area-based management tools, such as marine planning and marine protected areas; Environmental Impact Assessment (EIA) requirements; marine technology transfers and management of marine genetic resources. As another example, countries such as Saudi Arabia would like to use the high seas for marine aquaculture, raising potential conflicts with ocean shipping and creating new questions regarding the retention of ownership of fish in mariculture facilities on the high seas.

Methodology & Theoretical Orientation: This talk relies on legal analysis and the tools of policy formation to discuss the ways in which science does and should inform evolving treaties, laws and policies for the open ocean.

Findings: As in all international law regimes, enforcement will be critical. Nevertheless, mechanisms to legally protect areas of the high seas from over-exploitation (or in some cases, any exploitation) coupled with a requirement that activities in and on the high seas undergo an environmental impact analysis could add substantial protections for the two-thirds of the ocean denominated as high seas at a time when these regions are experiencing increasing physical, chemical and ecological changes, too often unpredictable ends.

Conclusion & Significance: The history of the 20th century was a history of the increasing nationalization of the ocean, extending the jurisdiction of coastal nations from 3 nautical miles to 200 nautical miles from shore-and sometimes more on the continental shelf. The 21st century, in turn, may be the century of increasing privatization of the high seas, one of the last domains still viewed as a global common. How well science and law work together regarding both the increased use and the increasing legal protections for the open ocean will be a critical factor both in the success of the new legal regimes and the continued viability of ocean ecosystems in the Anthropocene.

robin.craig@law.utah.edu