

Opportunities and challenges in governance, policy and international legal dimensions of ocean-based NETs

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Legality of ocean-based CDR approaches

- ▶ Must be compatible with international law, in particular **1982 United Nations Convention on the Law of the Sea (UNCLOS)**
- ▶ If associated with introduction of substances into the marine environment (“dumping”), UNCLOS framework is specified by the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (**London Convention/LC**) and its 1996 Protocol (**London Protocol/LP**) administered by the International Maritime Organization



Legality of ocean-based CDR approaches

- ▶ **2013 amendment to the London Protocol on regulation of “marine geoengineering”**
 - ▶ First (potentially binding) international regulation explicitly applicable to ocean-based CDR, but not yet in force
 - ▶ Applicability depends on whether Contracting Parties have decided to include the activity concerned in new Annex 4 to the London Protocol (so far only ocean iron fertilization for scientific purposes!)
 - ▶ Focus on **research**
 - Framework for assessing whether research project on ocean-based CDR approaches is eligible for authorization, also in light of its potential environmental consequences → Increase knowledge, reduce risks
 - Tool to provide for **responsible (“legitimate”) scientific research**
- ▶ Final decision to be taken on domestic level

Governance challenges

- ▶ **Trans-sectoral nature** of relevant regimes
 - ▶ Avoid regime collisions and reduce risk of trade-offs with other policy goals (e.g. biodiversity conservation)
 - ▶ Support co-benefits across regimes
- ▶ Which **fora** to discuss and decide on research and deployment of ocean-based CDR?
 - ▶ COPs/MOPs? International Organizations? States? Scientific bodies?
- ▶ Which **processes** to be applied?
 - ▶ How to provide for legitimacy of decision-making? Participation of relevant stakeholders? Transparency?
 - ▶ How to include needs of future generations and, where applicable, the interests of vulnerable groups and indigenous communities into decision-making?