

Legal Perspectives on the challenges of implementation of SDG 14

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SUMMARY

Adopted in 2015, Agenda 2030 provides an ambitious vision of what the international society must achieved by 2030 to avoid human disasters at the environmental social and economic levels. The ambition of this instrument is backed up by an innovative process, the first one of this kind at the international level: the involvement of all interested stakeholders (civil society, experts, private sector...) to support what was before only the field of States, i.e. the implementation of an international developing agenda.

By requiring to sustainably manage and protect ecosystems, Agenda 2030 calls for a better knowledge and understanding of the environment and its resources. The implementation of such an obvious and simple target is however not without difficulties. An important number of maritime boundaries have not been yet established, especially under the light of climate change. Furthermore, even when States know the exact limit of their territories and jurisdiction (for example the outer limit of the continental shelf), no management and protection of ecosystems and resources have been yet put in place. Such requirement of the sustainable management and protection of ecosystems also depends very much on the peaceful cooperation of States. Certain areas of the globe such as the South China Sea are revealing that conflict zones significantly threaten cooperation frameworks, but also marine environmental security, and, as a ricochet, the social well-being of regional inhabitants.

The current negotiations before the United Nations of a new international agreement dedicated to

“Biodiversity Beyond National Jurisdiction” is bringing hope of a binding standardization of requirements for the conduct of environmental impact assessments and the establishment of marine protected areas in the high seas. Developed with the view to answer the current legal gaps of the international legal framework, the negotiations of this instrument are far from being easy as they are posing significant challenges of consistency and articulation between the different maritime zones beyond national jurisdiction and within national jurisdiction.

The United Nations Decade of Ocean Science, currently implemented, aims furthermore at significantly improving the knowledge of oceans and seas. By encouraging, on a voluntary basis, the development of research projects and cooperation among all stakeholders, this framework will most likely contribute to the implementation of the United Nations Convention on the Law of the Sea on two specific topics that have been poorly implemented since the 1980s: marine scientific research and the transfer of technology. However, considering the past and present reluctance of States to widely approve marine scientific research projects and transfer technology to developing States, it is unclear how the UN Decade of Ocean Science intends to face these legal challenges, which are mainly motivated by protectionism of knowledge, resources and trade.

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