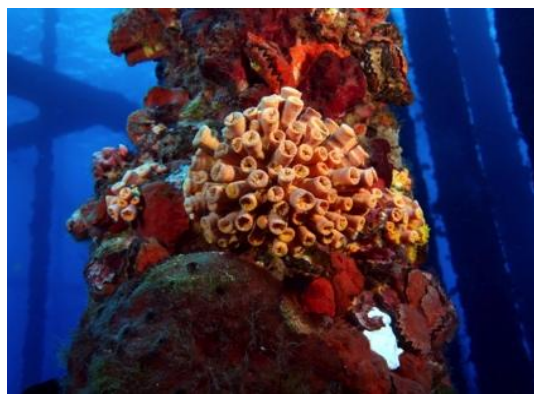


# International legal issues surrounding the placement of Rigs-to-Reef in Southeast Asia



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# Outline

- I. Definition**
- II. Rig-to-Reef scenarios**
- III. International legal landscape**
- IV. Three legal grounds for the placement of Rig-to-Reef**
- V. Implementation at national level**
- VI. The flip-side: cheap disposal**
- VII. Conclusion**

# I. Definitions

**Rig-to-Reef is a process by which a disused offshore installation changes function and is re-used as an artificial reef.**

**An artificial reef is placed on the seabed to mimic functions of a natural reef such as protecting, regenerating, concentrating, and/or enhancing populations of living marine resources**

# II. Rig-to-Reef scenarios

1

As is, in situ

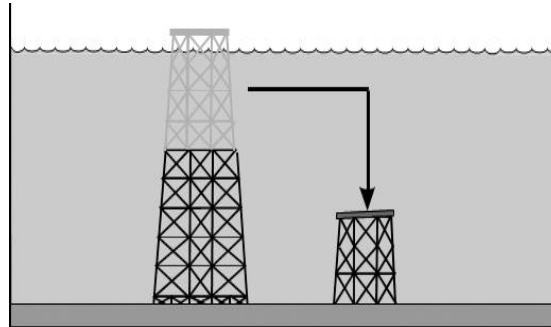


New use can be analyzed as a new placement

Counts as one artificial reef

2

In situ toppling



Remaining standing jacket and toppled parts must be considered separately,

unless they can be shown as functioning as a whole

3

Cut and transport to another location



Cut below the mudline or same than in (2)

Transport elsewhere of upper part to place as AR

Each section of the jacket may be treated separately

# III. International legal landscape

## Shipping

1989 **IMO** Guidelines on Removal of Offshore Installations

1972 London Convention on **Dumping**

1996 London Protocol

2000 and 2009 Guidelines on the Placement of Artificial Reefs

## Constitution for the Ocean

(1982 Law of the Sea Conv.)

Art. 60,  
208 & 214

Art.  
194(5) &  
237

Art. 210  
& 216

Art.  
194(5)

## Protection of the Marine Environment

1992 UN Convention on **Biological Diversity**

COP – Ecologically and Biologically Sensitive Areas (EBSAs)

1975 Convention on **Migratory Species** (e.g. sea turtles)

1973 Convention on the Protection of Wetlands

Endangered species in CITES

# IV. Three legal grounds for Rig-to-Reef placements by coastal States 1/2

## 1 Fisheries management

**UNCLOS** - Sovereign rights and jurisdiction of the coastal States over the living resources up to the outer limit of the EEZ

## 2 Biodiversity protection

**UNCLOS** - Duty of the coastal State to protect the marine environment  
**CBD** - Duty to identify, monitor, protect, restore, etc. (Difference between TS & EEZ)

## 3 Endangered species protection

**UNCLOS** - Duty of the coastal State to protect rare or fragile ecosystems and the habitat of depleted, threatened or endangered species  
**CMS/Ramsar** – Reinforced obligation



# IV. Three legal grounds for Rigs-to-Reefs placements by coastal States 2/2

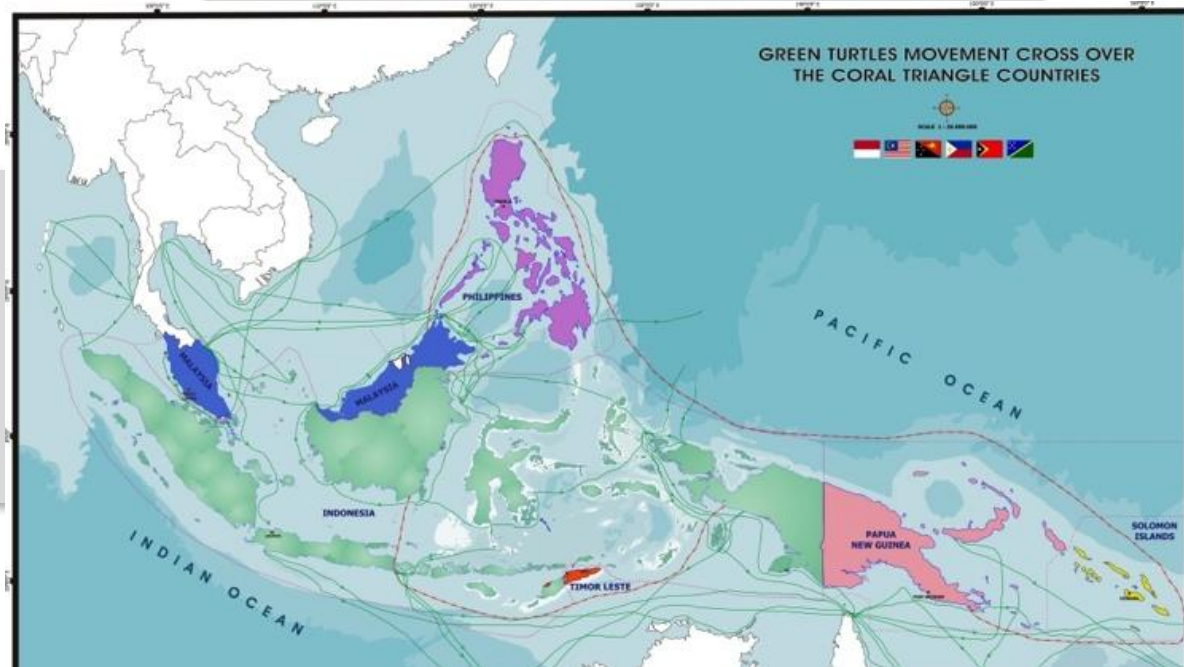
## Examples of Threatened and Endangered species



**Black coral**  
(*Anthipatharia* spp), and  
**Scleractinian coral**, are  
protected under CITES (II)

### Sea turtles

*Cheloniidae* spp are  
protected under CITES Appendix I



# V. The flip-side: cheap and illegal disposal

1. To be legitimate, the new placement as an artificial reef must not be a disguised dumping operation
2. Sound science required: expected benefits must have been studied before and be monitored
3. Disposal at sea or 'dumping' requires a license process (UNCLOS art.210 & 216 and minimum standards from the 1972 London Convention)

Also,

4. Safety of navigation in the EEZ and particular vigilance in sea lanes used for international navigation in TS and archipelagic waters



# V. The flip-side: cheap and illegal disposal

## IMO-UNEP 2009 Guidelines for the Placement of Artificial Reefs

- Seek to avoid that R2R be used to circumvent dumping rules
- Presented as a best practice
- Do not require use of virgin material
- Domestic regulations and institutional organisation are necessary
- Dumping regulation can be a starting point but more specific regs needed incl: Environmental impact evaluation and cost-benefit  
Compliance monitoring  
Permit process with technical criteria (feasibility, functionality, durability and stability, suitability or monitoring program, etc.)

# VI. Implementation at national level

- 1. Laws and regulations on offshore installations suited to the new use**
- 2. Rules or procedure must be specialized and specific**
- 3. No one size fits all solution: rigorous assessment mechanism needed**
- 4. Management plan including monitoring program**
- 5. Clear Institutional responsibilities and process e.g. transfer from Ministry of energy/mineral resources to the Ministry of Environment or Fisheries**

# VII. Conclusion

- **Artificial reefs for ecological and fisheries enhancement or the protection of endangered species are legitimate under international law**
- **Provided that they are based on sound science**
- **Freedom of navigations and conflict with other uses also need to be assessed, especially in the EEZ**

## **At national level:**

- **Clear domestic laws and institutional organization are needed**
- **Marine habitat mapping and marine spatial planning would assist the planning for artificial reefs**





**Thank you!**

**Questions?**

Source: Census of Marine Life:  
[http://www.comlmaps.org/extra/ngs/Ocean\\_Life\\_Diversity\\_Distribution-300dpi.pdf](http://www.comlmaps.org/extra/ngs/Ocean_Life_Diversity_Distribution-300dpi.pdf)

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