



Environmental Principles and UNCLOS

**CIL-NCLOS Workshop: Protection of the Marine Environment and Shipping:
Contemporary Challenges and New Approaches (Session 3 – ABMTs)
Royal Norwegian Embassy in Singapore – Singapore**

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1. The Rio 1992 Principles have been read in the implementation of UNCLOS

Principle 2 – Obligation to not Cause Environmental Harm

- > now a rule of customary international law in the context of transboundary harm

Principle 15 – Precautionary Approach

- > In all subsequent environmental treaties
- > case law –including last ITLOS COSIS Advisory opinion
- > A integral part of the general obligation of due diligence

Principle 17 – EIAs

- > If a proposed activity likely to have a significant adverse impact
- > A general requirement of international law (e.g. 2010 Pulp Mills)

Principle 19 – Planned Activities with Transboundary Environmental Effect

- > Notification, information and consultation

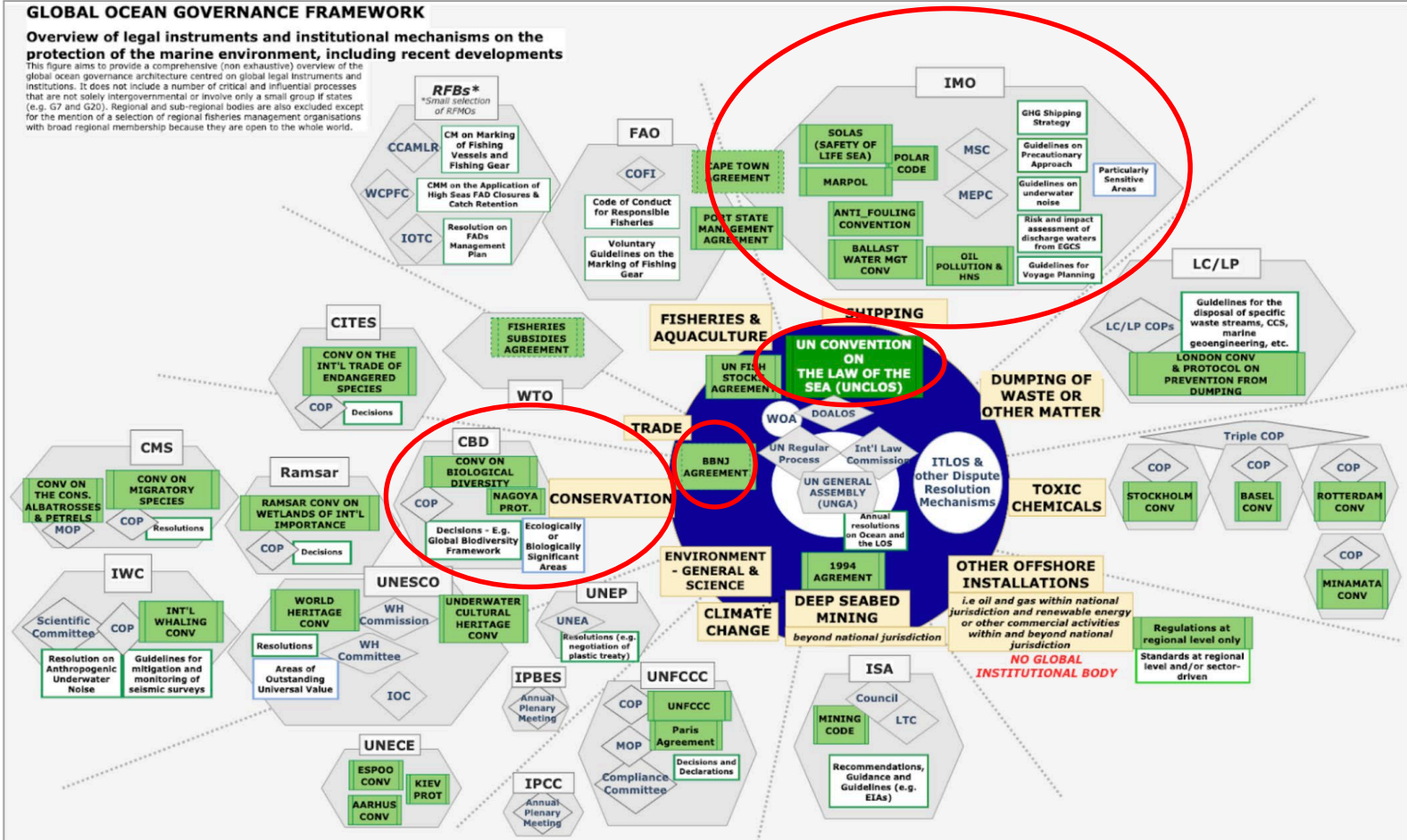


2. The due diligence obligation

Pulp Mills, ITLOS Advisory Opinions (3), South China Sea Arbitration

- ‘Obligation to ensure’ that activities are so conducted as to not cause damage to the marine environment - An obligation ‘to deploy adequate means to exercise best possible efforts, to do the utmost to obtain this result’
- A ‘variable concept’ that ‘may change over time as measures considered sufficiently diligent at a certain moment may become not diligent enough in light, for instance, of new scientific or technological knowledge’
- It includes an obligation to adopt all the appropriate and necessary domestic measures as well as
- a ‘certain level of vigilance in their enforcement and the exercise of administrative control’ to ensure compliance by nationals and vessels flying its flag
- Part of the corpus of international law relating to the environment

3. The Architecture of Ocean Governance





4. Today: Central principles and approaches

OCEAN GOVERNANCE CONCEPTS AND PRINCIPLES OF A SUSTAINABLE BLUE ECONOMY IN 2024

This overview is framed through an integrated management cycle approach centred on activity developments. It includes concepts and principles that are of central importance to marine environmental governance and of a transversal nature. They are framed in the dynamic context of three overlapping and interlinked core parts where they are at play. Overarching concepts and principles are represented in bold and in the centre of the activity development wheel.

Preventing, reducing and controlling pollution and harmful change to the marine environment

