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THE NEW MULTILATERAL AGREEMENT FOR THE HIGH SEAS: WHAT ROLE FOR SPACE?

Abstract

On 4th March 2023, after almost 20 years of negotiations, United Nations member states have finally agreed on a text aimed at the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, represented by the high seas and the Area as defined by the Convention on the Law of the Sea. With the agreement, the parties reached a significant milestone towards the achievement of sustainable development objectives, as mentioned in the Preamble.

Despite not being explicitly mentioned by the draft agreement, space-based technologies could play a relevant role (at least) in the compliance-verification processes. Space-based data can especially contribute to the effective enforcement of the new treaty, taking into account the following aspects:

- Among the overarching characteristics of the agreement, specific attention is paid to monitoring the compliance to the treaty provisions and to further transparency obligations. In fact, an ad hoc article on monitoring procedures is present at the end of each core part of the agreed text.
- A considerable part of the agreement is dedicated to the rules and procedures regarding the environmental impact assessment reports and their verification. In this context, the monitoring of the impacts of authorized activities is considered essential.

Building on these considerations, this paper will present the results of a research effort focused on the identification of the specific provisions of the new treaty that could benefit from the use of space technologies for their quicker and more effective enforcement. In particular, in a selection of cases the use of space-based data is capable of significantly reducing the burden on states in compiling the periodic reports requested, as well as facilitating their consideration and evaluation by the established Scientific and Technical Body. Finally, attention will be brought to the types and characteristics of space-based systems that can better serve the specific compliance-check mechanisms.