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SCIENTIFIC GROUP OF THE LONDON  
PROTOCOL – 3<sup>rd</sup> Meeting  
25 – 29 May 2009  
Agenda item 2

## OCEAN FERTILIZATION

### Seven principles for “legitimate scientific research” involving ocean fertilization

Submitted by Greenpeace International

#### SUMMARY

**Executive summary:** When developing an assessment framework on ocean fertilization and considering the context within which such an assessment framework would operate, it will be important to keep in mind a number of fundamental principles or conditions which would need to be met for any proposed piece of ocean fertilization research reasonably to be considered to constitute “legitimate scientific research”. To assist the further development of the assessment framework itself, Greenpeace International therefore proposes a set of 7 basic principles in order to ensure that the scientific legitimacy of any proposed projects involving ocean fertilization is both upheld and seen to be upheld. These principles were initially circulated at the two intersessional meetings on ocean fertilization held in February 2009 in order to begin consideration of technical and legal aspects respectively, but remain of relevance to the work to be undertaken by the Scientific Groups in further developing the assessment framework.

**Action to be taken:** Paragraph 5

**Related documents:** LC/SG-CO2 3/5; LP/CO2 2/5

#### Introduction

1 For the purposes of guiding the further work of the Scientific Groups regarding ocean fertilization, Greenpeace International considers that there is a need to establish a set of simple, underlying principles or conditions against which progress towards the goals of defining and regulating “legitimate scientific research” and of developing an appropriate assessment framework can be measured.

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2 The 7 principles or conditions set out below are therefore intended as a contribution to that end, in the hope that they will be of value to the Scientific Groups in progressing their work. These principles, which cover aspects of justification, consultation and consent, assessment, regulation, transparency, liability & redress and non-commerciality, are, in the view of Greenpeace International, essential minimum preconditions for any proposed ocean fertilization activity to be considered to constitute “legitimate scientific research” and, therefore, to be considered for permitting under the terms of the London Convention and London Protocol.

3 These principles were initially circulated at the two intersessional meetings on ocean fertilization held in February 2009 in order to begin consideration of technical and legal aspects respectively, but remain of relevance to the work to be undertaken by the Scientific Groups in further developing the assessment framework.

### **Seven principles for “legitimate scientific research” involving ocean fertilization**

4 In order to be considered to constitute “legitimate scientific research” under the terms of London Convention/London Protocol Resolution LC-LP.1 (2008), proposals for activities involving ocean fertilization (irrespective of scale, location or materials) must meet, as a minimum, all of the following 7 principles or conditions:

- .1 Justification – proposals must include a clear justification of the need for the proposed ocean fertilization activities in order to gather specific scientific data (and to contribute significantly to scientific knowledge and understanding of marine ecosystem dynamics) which cannot be gathered in other ways (*i.e.* without human intervention), and for the scale, timings and locations selected;
- .2 Consultation – all Parties to the London Convention and Protocol must be informed of the proposals in advance, allowing sufficient time for consultation and response. Prior informed consent must be obtained from all Parties with territories in the vicinity of the proposed study location(s);
- .3 Assessment – all proposals must be considered through application of a globally consistent, transparent and effective assessment framework to be developed and agreed by parties to the London Convention and London Protocol, in accordance with the precautionary approach and ecosystem approach. Responsibility for assessments would fall to the competent authorities within those Parties considering the proposals, but those Parties would be required to publish their assessments and decisions in advance and to report to the Meeting of Parties in due course. Assessment criteria must set in a way which enables consistency of project assessment in all jurisdictions;
- .4 Regulation – the London Convention and London Protocol would provide a global, transparent and effective control and regulatory mechanism for “legitimate scientific research” involving ocean fertilization, to be implemented by Parties, consistent with the United Nations Convention on the Law of the Sea and other relevant UN Conventions. Important elements of regulation would include, *inter alia*, terms for the conduct of environmental impact assessments, protocols for the conduct of the experiment and ongoing monitoring of its effects, contingency plans for emergencies or unforeseen effects, setting of operational and monitoring conditions for the research to proceed and the deployment

of observers representing the competent authority on board vessels engaged in ocean fertilization activities, in order to verify that conditions were being strictly observed;

- .5 Transparency – including, *inter alia*, prior independent scientific review of objectives, methods, locations and expected outcomes of the research, full disclosure of sources of funding and affiliations of all participants in the research and assurance that all methods employed and results and data collected will be made publically available free of charge;
- .6 Liability and redress – an appropriate legal identity, capable of bearing the costs of any remediation activities or necessary compensation for adverse impacts borne by third parties arising from the unintended or adverse consequences of research projects, must be identified. The London Convention and Protocol should contribute to the development of an appropriate liability and redress regime; and
- .7 Non-commerciality – projects must not be used for generating and selling carbon offsets or for any other commercial purposes, and must not be conducted in order to facilitate commercial use of ocean fertilization, as there must be no commercial interest in research delivering any particular outcome.

#### **Action requested of the Scientific Groups**

5 The Scientific Groups are invited to note the principles listed under paragraph 4, and to take them into account when developing further the draft assessment framework in relation to ocean fertilization.

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