

“Domestic Legal Frameworks for Ocean CDR”

Abstract: Scientists are currently investigating a range of ocean-based carbon dioxide removal (CDR) techniques which, if shown to be feasible, will need to be tested in situ in the open ocean. Previous in situ tests of one ocean CDR technique—ocean fertilization—were highly controversial, with many groups expressing concern about the apparent lack of oversight of the tests. Given this experience, and the growing interest in testing other approaches, many researchers and policy-makers are seeking to better understand the legal framework governing ocean CDR. Prior research has explored how existing international agreements and customary international law could apply to ocean CDR research and deployment. However, international agreements and customary international law generally do not impose binding obligations on private actors (e.g., individual and corporations). Those actors are subject only to the domestic laws of the country in whose territory, or under whose jurisdiction, they are operating. Further, domestic law in many cases impose rules and regulations beyond those required by international law. It is, therefore, essential for researchers and others involved in ocean CDR projects to understand the applicable domestic laws. This panel will feature legal academics from the U.S. and Europe to discuss how existing domestic laws in their countries could apply to the testing and deployment of different ocean CDR techniques (including ocean fertilization, ocean alkalinity enhancement, artificial upwelling and downwelling, and seaweed cultivation). Key gaps and shortcomings in existing laws will be identified and possible reforms explored.

