



# ELI REPORT

## Governance, policy improvements top Ocean Program manifest

The oceans are teaming with life and resources — and rife with governance conflicts and gaps (as noted in Leslie Carothers's OPENING ARGUMENT on page 52). ELI is launching the Ocean Program to advance effective implementation of existing laws and regulations affecting the oceans, explore options to fill legal and regulatory gaps, and develop policies that foster stakeholder and community involvement in all levels of ocean governance.

The Ocean Program will focus these legal, policy, and leadership efforts on three substantive goals: reversing the trend of marine degradation from land-based activities, ensuring effective management of industrialized oceans, and fostering sustainable fisheries.

Land-based activities have enormous impacts on the marine environment, including ocean acidification, nutrient-loading, loss of coastal wetlands, degraded marine habitats, and coral mortality. The program seeks to reverse the trend of marine degradation from land-based activities by identifying conflicts and synergies among marine laws and regulations, providing key actors with the tools necessary to achieve long-lasting implementation of ocean and coastal ecosystem-based management, and developing model legislation where appropriate.

The oceans are facing increasing exploitation. As trade and energy demands increase, so do shipping and offshore energy development. Also, food security and the need for additional and alternative energy sources are driving development of new ocean uses such as deepwater liquified natural gas ports, offshore aquaculture facilities, and offshore wind farms. The Ocean Program will promote the

coordination necessary to address potentially conflicting ocean uses and ensure adequate protection of the marine environment.

Over-fishing continues to tax the world's fisheries. Major fisheries management problems include fishing beyond the optimal yield, excess catch of non-target species,



**Research Fellow Kathryn Mengerink, Ph.D., an expert in marine science and law, leads ELI's new Ocean Program.**

and inadequate enforcement. To help sustainable fisheries, the program will identify and develop legal and policy tools available to encourage sustainable fisheries, including fisheries certification schemes and conservation of essential habitat. ELI will cooperate with international partners to develop and implement sustainable fisheries laws and policies.

The Ocean Program's inaugural project is a volume titled *Legal Drafter's Handbook on the Conservation and Sustainable Use of Coastal and Marine Environments*. The reference, funded by the United Nations Environment Program, will provide guidance on international treaties, national laws, and actions that address ma-

rine and coastal conservation and sustainable use.

The *Handbook* will highlight the value of coastal and marine environments and introduce readers to international, national, and regional legal and non-binding frameworks on the topic. It will inventory subjects that national legislation, policy, and institutions should address; provide guidance on definitions, principles, and approaches; and highlight the links between freshwater and coastal management. The *Handbook* will also introduce readers to relevant administrative, institutional, and procedural considerations.

Following the analytical descriptions of each issue, the book will include selected provisions from national legislation as well as relevant case law drawn from several countries — both developed and developing — as sample provisions which may be adapted to specific needs of drafters' countries.

ELI Research Fellow *Kathryn Mengerink* spearheads the Ocean Program. Dr. Mengerink, an accomplished marine scientist and environmental lawyer, has published widely and been a participant in meetings on a range of marine biology and ocean law topics, including the future of marine biodiversity and international illegal, unreported, and unregulated fishing.

Before joining ELI, Dr. Mengerink served as research associate at the Law of the Sea Institute. She received her J.D. from Boalt Hall School of Law, University of California at Berkeley, in 2005 with a Certificate of Specialization in Environmental Law. Prior to law school she earned a Ph.D. in marine biology from the Scripps Institution of Oceanography, University of California, San Diego, where her graduate research focused on the molecular mechanisms of sea urchin fertilization.