



International Workshop on Arctic Ocean Observation:
Future Collaboration by Research Vessels and Icebreakers
November 17-18, 2023 @ IINO CONFERENCE CENTER, Tokyo, Japan.



International Collaboration, Policy, Indigenous Peoples Session

Japan's new Arctic research vessel for international cooperation: Revisiting marine scientific research under international law

Hajime Kimura

Japan Agency for Marine-Earth Science and Technology (JAMSTEC)

Abstract

Japan's new Arctic research vessel, currently under construction, is expected to be a platform for international cooperation in Arctic science. The concept of utilizing the Arctic research vessel with ice-breaking capability as an “international research platform” for the Arctic was first introduced in the Third Basic Plan on Ocean Policy (2018). First, this presentation describes Japan's policy initiatives related to Arctic science.

Second, this presentation will revisit the meaning of the term ‘marine scientific research (MSR)’ under international law, whereas the term is familiar to scientists planning observations of the Arctic Ocean. The new research vessel with ice-breaking capability will enable observation cruises in areas of the ocean previously inaccessible to the R/V Mirai and it would be meaningful to revisit the question what MSR is on this occasion.

In general, no one State alone can clarify the mechanism of the oceans. Accordingly, it is natural that international cooperation is required in marine scientific research¹. United Nations Convention on the Law of the Sea (UNCLOS) Article 242 places a general obligation and provides that States international organizations shall promote international cooperation in MSR for peaceful purposes. Furthermore, Article 243 obliges States and competent international organizations to create favourable conditions for the conduct of marine scientific research in the marine environment and to integrate the efforts of scientists in studying the essence of phenomena and processes occurring in the marine environment and the interrelations between them.

MSR is a prerequisite of ocean governance². Marine science and the law of the sea are intimately intertwined³ and MSR can be a catalyst for ocean governance, as the recent example in the Arctic shows.

- Agreement on Enhancing International Arctic Science Cooperation (2017)
- Central Arctic Ocean Fisheries Agreement (2018)

In planning observation cruises for the new Arctic research vessel, we might face UNCLOS Article 234: ice-covered area, whose scope remains ambiguous.

Although no definition of MSR can be found in UNCLOS, scientists who conduct in situ observations are well knowledgeable about scientific and experimental work. In this context, from an international law researcher’s perspective, working with natural scientists has the potential to enrich the interpretation of international law⁴ and the development of ocean governance will lead to a sound understanding of the marine environment.

Lastly, the societal aspect of scientific research should be referred to. Natural scientists sometimes regard the consideration of engagement with society, policy, and the legal framework as the



International Workshop on Arctic Ocean Observation:
Future Collaboration by Research Vessels and Icebreakers
November 17-18, 2023 @ IINO CONFERENCE CENTER, Tokyo, Japan.



downstream or isolated parts of academic research. But to utilize Japan's new Arctic research vessel as an international research platform for the various stakeholders in the Arctic, the academic work, i.e., the research program needs to be holistic at its first stage, and ocean governance and scientific research need to be integrated upstream.

¹ Yoshifumi Tanaka, *The International Law of the Sea (Fourth Edition)* (2023) at 479.

² *Id.* at 467.

³ *Id.* at 468.

⁴ *See* Vienna Convention on the Law of Treaties, Article 31.