

4. A Legal Regime of the Marine Scientific Research in the Law of the Sea and Korea's Marine Scientific Research Law

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A definition of MSR in the context of its international legal regime only serve the purpose of



indicating which activities are governed by this regime and which are not.

For the present purpose, MSR may be defined as any study or related experimental work designed to increase men's knowledge of the marine environment. Thus, it includes any scientific work having the marine environment as its subject.

Marine Scientist have enjoyed substantial freedom to explore the deep sea and seabed, coastal waters and continental margins of the oceans.

This situation, however, has changed considerably within the past two decades. A divergence of views between the developed States and the Developing coastal States concerning marine scientific research has resulted.

The conduct of marine scientific research in areas under coastal States jurisdiction has increasingly become subject to complex regulations. Many developing coastal States now exercise effective control not only over marine scientific research carried out in their internal waters and territorial sea, but also over research activities conducted in areas beyond the territorial sea, such as the continental shelf, the EEZ, where the coastal State claims exclusive jurisdiction over the exploration and exploitation of the natural resources. This paper wants to analyse and to investigate the international legal status about Marine Scientific Research, and to reform Korea's Marine Scientific Research Law.

The approach of this paper is following.

1. This paper intends to verify the legal structure through the common investigation of the Marine Scientific Research.
2. Trying to materialize the issues that are found on the marine scientific research regime is expressed.
3. An index to the legislation process which is related to how to improve the found issues would be arranged.

In chapter 1, by being suggested the issue of Marine Scientific Research related to the title of this paper, the paper intends to express a writing purpose and to present the method and content.

In chapter 2 and Chapter 3, on a point of view the legal system, this paper attempts the legal principle analysis of related provision in the Marine Scientific Research that is based on the Geneva Convention and UNLOS Convention.

In chapter 4, through investigation till chapter 3, the issue found in the Marine Scientific Research of the present system is patterned with both State's Right and obligation, and attempts the legal analysis of Korea, Japan, North Korean, China's law in the Marine Scientific Research. and then the Author offers a matter of revision.