

UN Ocean Conference 2022

Interactive dialogue 7: Enhancing the conservation and sustainable use of oceans and their resources by implementing international law, as reflected in the United Nations Convention on the Law of the Sea

Statement by Mr. Miguel de Serpa Soares Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, Special Adviser to the Presidents of the Conference on the ocean and legal matters

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Tejo Hall, Altice Arena, Lisbon, Portugal

Excellencies,

Distinguished delegates,

[Introduction]

- **It is my great pleasure to be here this afternoon.**
- **Given the theme of the Conference, I will focus on the role of ocean science and innovation in enhancing the conservation and sustainable use of oceans and their resources by implementing international law as reflected in the United Nations Convention on the Law of the Sea.**
- **This Conference provides a unique opportunity to scale up action for the ocean based on science and innovation in order to achieve the 2030 Agenda for Sustainable Development, in particular Goal 14.**

- I will first discuss the role of ocean science and innovation in the legal regime set out in the Convention.
- I will then offer some reflections on the contribution of ocean science and innovation to ocean governance more broadly. This will also allow me to touch upon some of the issues raised in the guiding questions found in the concept paper for this Interactive Dialogue.

[The Convention and ocean science and innovation]

- Needless to recall that the Convention provides the legal framework for the conservation and sustainable use of the oceans and their resources. This is set out in target 14.c and echoed by the General Assembly each year.
- As we commemorate the fortieth anniversary of the adoption and opening for signature of the Convention this year, I am pleased to note that it enjoys widespread acceptance, with 168 Parties, including the European Union. States largely recognize that many of its provisions reflect rules of customary international law.
- Science was at the core of the negotiations leading up to the adoption of the Convention.
- Disparities in marine scientific and technological capacity led countries to adopt distinct positions.

- **The resulting compromise created a win-win situation for ocean science: it guaranteed the right of all States to conduct marine scientific research in Part XIII, while calling for the promotion of such research, as well as the development and transfer of marine technology, in Part XIV.**
- **The Convention's drafters further sought to promote the development of ocean science, including by encouraging the establishment of regional marine scientific and marine technological research centres.**
- **The Convention also stimulates research exchanges.**
- **For example, it grants coastal States the right to participate in marine scientific research projects conducted by other States in their exclusive economic zone or on their continental shelf.**
- **The full and effective implementation of these provisions would go a long way in achieving the targets of Goal 14.**
- **Yet, while they are essential to the success of the 2030 Agenda and the overall balance of the Convention, Parts XIII and XIV could be better implemented.**
- **This would not only benefit countries that have the least capacity to engage in ocean science. All humanity could gain valuable insights and innovative technologies if the development and sharing of ocean science and innovation were enhanced.**

- **Marine science is also the backbone of other Parts of the Convention. This includes its provisions related to the establishment of the outer limits of the continental shelf beyond 200 nautical miles, the protection and preservation of the marine environment, and the conservation and management of living and non-living resources.**
- **ISA Secretary-General Michael Lodge will no doubt elaborate in his presentation on the role of science with regard to the regime set out in Part XI related to the Area and its resources.**

[Role of ocean science in global policy-making]

- **However, the role of ocean science and innovation goes much further than these formal treaty provisions.**
- **Science and innovation play a central role in ocean governance. They inform global policy-making and support international cooperation and coordination on ocean issues.**
- **As oceanographer Sylvia Earle has said, “ignorance is the biggest problem of all for the ocean”. For many years, we have taken the ocean for granted, assuming our actions could not impact a space so vast and so unknown.**

- **Ocean science has helped us to see the ocean for what it is: a rich and carefully balanced ecosystem that is vulnerable to external shocks caused by human activities.**
- **This understanding is underpinned by the Second World Ocean Assessment. A collective effort of hundreds of global experts, the World Ocean Assessment serves as a basis for governments and policy-makers worldwide to make informed decisions on ocean issues.**
- **The reports of the Intergovernmental Panel on Climate Change and of the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) also help governments and United Nations system organizations better understand the pressures affecting the ocean.**
- **Earlier this month, the United Nations hosted the annual global celebration of World Oceans Day. At the event, leaders and experts shared insights on solutions to revitalize the ocean, and the collective action that is required to that end.**
- **The event highlighted unique collaborations, for example between scientists and competitive sailors in the deployment of ocean observing equipment. It also explored the role that the private sector and the financial industry can play in advancing ocean knowledge.**

- **The event served as a reminder that we must explore new partnerships and engage with all stakeholders to address the pressing ocean challenges of our time.**
- **The Decade of Ocean Science for Sustainable Development also provides an important platform for this.**

[International cooperation and coordination]

- **It is not enough, however, to provide decision-makers with data and information. We must also ensure that they act on this knowledge.**
- **A better understanding of the ocean supports international cooperation and coordination on marine issues, as well as the development of the legal framework for the ocean.**
- **A case in point is the ongoing Intergovernmental Conference to negotiate a new agreement on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. I will leave it to the President of the Conference, Mrs. Rena Lee, to provide further details on this process. Here I only wish to point out that the origins of this process can be traced back to a series of scientific presentations made at the United Nations in the mid-2000s.**

- I would be remiss not to mention the work towards an international legally binding instrument on plastic pollution - a process that was spurred by progressive scientific insights on the impact of plastics on the marine environment.
- The United Nations continues to facilitate exchanges between scientific experts, ocean managers and decision-makers.
- Only last month, scientists and policy-makers convened at the United Nations to share experiences on the implementation of an ecosystem approach to fisheries management.
- And earlier this month, experts discussed how to enhance our scientific understanding and management of the ocean through “ocean observing”.

[Capacity-building]

- Strengthening the science-policy interface is also a core underpinning of United Nations capacity-building activities in ocean governance.
- At least two things need to happen to ensure that ocean governance at the national, regional and global levels is well-informed and inclusive of different perspectives.

- **First, we need to enhance the capacity of States to integrate science and innovation in their ocean governance frameworks.**
- **Second, we need to enable all States, including developing countries, to participate in international ocean processes.**
- **The technical assistance provided by the United Nations in that regard also seeks to raise women's profile in ocean governance, including by ensuring gender equality across our activities.**

[Conclusion]

- **In conclusion, I hope to have demonstrated that the promotion of ocean science and innovation and the strengthening of ocean governance, including through the implementation of international law, as reflected in the Convention, are mutually reinforcing.**
- **More effective implementation of international law facilitates better ocean science. In turn, this strengthens ocean governance processes to achieve Goal 14.**

Thank you.