

**Contribution of the Division for Ocean Affairs and the Law of the Sea of the Office of
Legal Affairs to the report of the Secretary-General on “Towards the sustainable
development of the Caribbean Sea for present and future generations” to the seventy-ninth
session of the General Assembly**

***United Nations Convention on the Law of the Sea, its implementing agreements and States in
the wider Caribbean region***

1. The General Assembly, in its annual resolutions on “Oceans and the law of the sea”, emphasizes the universal and unified character of the *United Nations Convention on the Law of the Sea* (UNCLOS), and reaffirms that UNCLOS sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector.¹ The General Assembly, in its resolutions on “Towards the sustainable development of the Caribbean Sea for present and future generations”, also reaffirms that UNCLOS provides the legal framework for ocean activities, and emphasizes its fundamental character, conscious that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach.²
2. UNCLOS also provides the legal framework for achieving Sustainable Development Goal (SDG) 14 and other ocean-related goals of the 2030 Agenda for Sustainable Development, including in the wider Caribbean region. This is reflected in target 14.c: “Enhance the conservation and sustainable use of oceans and their resources by implementing international law as reflected in UNCLOS, which provides the legal framework for the conservation and sustainable use of oceans and their resources, as recalled in paragraph 158 of The Future We Want.”
3. Furthermore, UNCLOS, in its Part IX, provides that States bordering enclosed or semi-enclosed seas, as is the case with the Caribbean Sea, should cooperate with each other in the exercise of their rights and in the performance of their duties under UNCLOS. To this end, they shall endeavour, directly or through an appropriate regional organization: to coordinate the management, conservation, exploration and exploitation of the living resources of the sea; to coordinate the implementation of their rights and duties with respect to the protection and preservation of the marine environment; to coordinate their scientific research policies and undertake where appropriate joint programmes of scientific research; and to invite, as appropriate, other interested States or international organizations to cooperate with them. The effective implementation of these and other provisions of UNCLOS is critical for achieving the sustainable development of the Caribbean Sea and its resources.

¹ The latest in A/RES/78/69, preamble.

² The latest in A/Res/77/163, preamble.

4. UNCLOS currently has 169 Parties, including 22 of the 25 member States of the Association of Caribbean States (ACS).³ To date, 14 States have made a total of 17 deposits of lists of geographical coordinates of points or charts and relevant information, pursuant to UNCLOS, with the Secretary-General of the United Nations in relation to the Caribbean region. Coastal States in the Caribbean region have also made 13 submissions to the Commission on the Limits of the Continental Shelf (CLCS), pursuant to UNCLOS, regarding the outer limits of the continental shelf beyond 200 nautical miles in the Caribbean region. Recommendations have been received for six of those submissions, and two coastal States subsequently made deposits, pursuant to UNCLOS, of the outer limits of the continental shelf. During the reporting period, two submissions were under active consideration, with the consideration of one of them being suspended after receipt of an objection.
5. With regard to the implementing agreements of UNCLOS, 18 ACS member States are Parties to the *Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982* (1994 Part XI Agreement), which addresses the exploitation for and exploration of mineral resources in the international seabed area. 9 ACS member States are Parties to the *Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* (1995 United Nations Fish Stocks Agreement).
6. On 19 June 2023, after nearly 20 years of negotiations, the *Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction* (BBNJ Agreement) was adopted by consensus, becoming the third implementing agreement to UNCLOS. Under the overall objective of the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, for the present and in the long-term, through effective implementation of the relevant provisions of UNCLOS and further international cooperation and coordination, the BBNJ Agreement addresses four main issues: marine genetic resources, including the fair and equitable sharing of benefits; measures such as area-based management tools, including marine protected areas; environmental impact assessments; and capacity-building and the transfer of marine technology. The BBNJ Agreement also addresses a number of "cross-cutting issues", establishes a funding mechanism and sets up institutional arrangements, including a Conference of the Parties and various subsidiary bodies, a Clearing-House Mechanism and a secretariat.
7. The BBNJ Agreement is open for signature by all States and regional economic integration organizations from 20 September 2023 to 20 September 2025, and will enter into force 120 days after the date of deposit of the sixtieth instrument of ratification, approval, acceptance or accession. To date, 13 ACS member States have signed the BBNJ Agreement, with one of them (Belize) having also ratified it.
8. Additional efforts are needed so that all States in the wider Caribbean region may participate in, and effectively implement, UNCLOS and its implementing agreements. Going forward,

³ Three ACS Member States, Colombia, El Salvador and Venezuela, are yet to become States Parties to UNCLOS and its implementing agreements.

the collection of data from States in the wider Caribbean region, including on the degree of implementation of these instruments, is also essential.

Caribbean States and ocean-related processes of the General Assembly

9. The General Assembly, in its annual resolutions on “Oceans and the law of the sea”, has noted with appreciation efforts and initiatives at the regional level, in various regions, to further the implementation of UNCLOS, and invited States and international organizations to enhance their cooperation to better protect the marine environment. In paragraph 335 of resolution 78/69, the General Assembly noted the Caribbean-focused Assistance Fund, which is intended to facilitate, mainly through technical assistance, the voluntary undertaking of maritime delimitation negotiations between Caribbean States, noted once again the Fund for Peace: Peaceful Settlement of Territorial Disputes, established by the General Assembly of the Organization of American States in 2000 as a primary mechanism, given its broader regional scope, for the prevention and resolution of pending territorial, land border and maritime boundary disputes, and calls upon States and others in a position to do so to contribute to these funds.
10. Representatives of Caribbean States have participated in various bodies and processes established by the General Assembly on oceans and the law of the sea, including the Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ Intergovernmental Conference) which concluded its work on 20 June 2023 following the adoption of the BBNJ Agreement, the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, and the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (Regular Process).
11. In 2022, two regional workshops in support of the third cycle of the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (Regular Process), which took place in Jamaica from 5 to 14 September 2022 and in Argentina from 28 to 30 September 2022, focused on the North Pacific and the wider Caribbean regions and on the South Atlantic and the wider Caribbean regions, respectively. These workshops informed the scoping exercise and the development of the annotated outline of the third World Ocean Assessment (WOA III), collected regional-level data, raised awareness and provide information on the Regular Process, and generated interest from the scientific community of the region in contributing to the assessment. The workshops also reinforced the knowledge and capacities of participants, including those from the wider Caribbean region, on the science-policy interface and the integrated and inclusive ocean governance frameworks upon which the ocean-based economic sectors can be developed in a sustainable manner.
12. In 2023, another two regional workshops in support of the third cycle of the Regular Process, which took place in Brazil from 10 to 17 May 2023 and in Jamaica from 12 to 16 June 2023, focused on the South Atlantic and the wider Caribbean regions and on the North and South Pacific and the wider Caribbean regions, respectively. These workshops addressed the

thematic elements of WOA III, namely on (i) component parts of the steps in developing sustainability pathways; and (ii) the cross-cutting themes of Equity, Gender and Indigenous, Traditional owner and Local community Knowledge (ITLK). These workshops also included components aimed at strengthening the capacities of participants, including those from the wider Caribbean region, relating to the science-policy interface.

13. Furthermore, the International Symposium on Strengthening the Ocean Science-Policy Interface, which is part of the programme of work of the third cycle of the Regular Process, took place in Paris from 12 to 13 December 2023. The Symposium included a dedicated session on the capacity-building needs as well as lessons learned, including in relation to the science-policy interface, of the South Atlantic and the wider Caribbean regions.

Capacity-building and technical assistance

14. During the reporting period, the Division concluded the Evidence-based and Policy Coherent Oceans Economy and Trade Strategies (OETS) project, implemented jointly with the United Nations Conference on Trade and Development (UNCTAD). The outcomes of the project were presented at a side event during the 2022 United Nations Ocean Conference, entitled "Addressing key challenges in fisheries, aquaculture, and seafood trade policy for sustainable development". The project provided tailored capacity-building and technical assistance to support the implementation of priority actions identified by the beneficiary States, namely Barbados, Belize and Costa Rica, based on their oceans economy and trade strategies developed under the project. For Barbados, the project supported an updated economic evaluation of the longline fishery of Barbados, a study on the market potential for both local and export of swordfish, as well as the implementation of an experimental fishing exercise to identify best fishing techniques and costs for swordfish harvesting. For Belize, the project supported the gathering of data on finfish landing in Belize based on a finfish data collection methodology developed under the project, as well as the preparation of a draft multispecies finfish management plan and related consultations and training. For Costa Rica, the project supported the analysis of the value chain, socio-economic data and the legal and institutional frameworks of two priority sectors selected by the country: pelagic fisheries (tuna, swordfish and mahi-mahi) and coastal fisheries. As an output, an action plan was developed, including action points on six key pillars, namely economic, social, environmental, governance, capacity development, and technology.
15. As part of the Division's Programmes of Assistance to Meet the Strategic Capacity Needs of Developing States in the Field of Ocean Governance and the Law of the Sea, the Division has facilitated national ocean governance studies (OGS) in five States of the wider Caribbean region, namely Antigua and Barbuda, Panama, Mexico, Trinidad and Tobago, and Guatemala. These OGS are aimed at supporting States in their implementation of UNCLOS and related instruments, as well as the SDGs, and reinforcing the overall efficiency of national ocean governance frameworks, through providing a high-level overview of their legal and institutional frameworks, including in specific ocean sectors of strategic relevance identified by the State, and a prioritized inventory of capacity-building needs. As a follow-up to these OGS, the Division is providing technical assistance to Antigua and Barbuda to strengthen the policy and legal framework to promote the development of sustainable ocean-

based economies, and to Panama to strengthen the legal framework related to marine genetic resources. The Division is in discussion with other States in the wider Caribbean region for which an OGS has been conducted about the provision of similar technical assistance.

16. In the context of the Ocean Governance Capacity-Building Training Programme, funded through the PROBLUE Trust Fund managed by the World Bank, the Division delivered, with partners, an online regional workshop on ocean governance for the Latin America and the Caribbean region from 6 to 23 May 2024, as part of a series of such regional workshops. The partners include World Bank, the Food and Agriculture Organization of the United Nations, the International Seabed Authority, the University of Melbourne Law School and the Centre de Droit Maritime et Oceanique of the University of Nantes. The regional workshop, held in English and Spanish, focused on international legal frameworks for ocean governance and was open to government officials, staff of partner institutions, and representatives from civil society and the private sector working directly on ocean governance issues.
17. In line with General Assembly resolution 77/321, the Division is implementing a programme of activities to promote a better understanding of the BBNJ Agreement and prepare for its entry into force. The planned activities include, among others, regional workshops, technical assistance at the national level, briefings and side events, and the development of tools and outreach materials. As part of this programme, the Division is in the process of organizing, in collaboration with relevant partners, regional workshops for Latin American and Caribbean States and for small island developing States in the Caribbean region. The workshops will be preceded by the conduct of regional capacity-building needs and priority assessments to inform the regional workshops and enhance capacities in identifying or supporting actions towards becoming parties to the Agreement and implementing it.
18. The Division continues to provide opportunities to build human capacity in ocean affairs and the law of the sea under the United Nations-Nippon Foundation (UNNF) Capacity-Building Programmes, including with the aim of supporting the sustainable development of States in the wider Caribbean region. Within the UNNF Capacity-Building Programmes, the Division currently implements the UNNF Fellowship, the Strategic Needs Fellowship, and the new Ocean Governance Fellowship for Small Island Developing States (SIDS Fellowship), along with the Alumni Programme. In addition, the Division implements the Hamilton Shirley Amerasinghe Memorial Fellowship Programme. Nationals from ACS member States have successfully participated in these programmes during the reporting period.
19. In 2022, 4 individuals (3 females and 1 male) from Antigua and Barbuda, Bahamas, Guyana, and Panama participated and completed the UNNF Fellowship, the Strategic Needs Fellowship, or the Thematic Needs Fellowship. In 2023, 1 individual (male) from Colombia participated and completed the Strategic Needs Fellowship. In 2023, at the time of this contribution, 4 individuals (3 females and 1 male) from Antigua and Barbuda, Guatemala, Jamaica, and St. Lucia are participating in the UNNF Fellowship. Additionally, 2 individuals (1 male and 1 female) from El Salvador, and St. Kitts and Nevis have been awarded the Strategic Needs Fellowship, and 3 individuals (all females) from Bahamas, Jamaica, and St. Kitts and Nevis have been selected to participate in the inaugural session of the SIDS

Fellowship, scheduled for implementation in the latter half of 2024. Also in 2024, one female from Venezuela was awarded the Hamilton Shirley Amerasinghe Memorial Fellowship.

20. Individuals from Antigua and Barbuda, Barbados, Costa Rica, St. Lucia, and Trinidad and Tobago will participate in the 2024 UNNF Alumni Meeting, set to coincide with the 4th International Conference on Small Island Developing States. This Meeting will provide opportunities for further engagement of UNNF Alumni in tailored capacity-building activities.

Financial support from voluntary trust funds

21. Many States in the wider Caribbean region received financial support from voluntary trust funds administered by the Division to assist them in the implementation of UNCLOS and in participating in ocean-related processes of the General Assembly.
22. During the reporting period, 25 ACS member States received assistance from the Voluntary Trust Fund for the purpose of assisting developing countries, in particular the least developed countries, land-locked developing countries and small island developing States, to attend meetings of the BBNJ Intergovernmental Conference. One nominee from an ACS member State received assistance to attend several meetings of the CLCS from the Voluntary Trust Fund for the purpose of defraying the cost of participation of the members of the CLCS from developing States in the meetings of the CLCS. One ACS member State received assistance to attend meetings of the CLCS from the Trust fund for the purpose of facilitating the preparation of submissions to the CLCS for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of UNCLOS.