UNCLOS and Recent Developments at the General Assembly

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Why?

- Global governance framework: United Nations, in particular General Assembly
The law of the sea

- Customary international law
- Implementing Agreements
  - Agreement relating to the implementation of Part XI
  - Agreement for the Implementation of the Provisions of UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

UNCLOS

- 165 Parties, including the EU
- Provide a legal order for the seas and oceans
- Comprehensive regime dealing with all aspects of human activities in the oceans
Balance of rights, obligations and interests

- Coastal States and other States, including researching States
- Exploitation and conservation
- Unimpeded access to resources beyond areas of national jurisdiction vs. controlled access to such resources

UNCLOS

- Jurisdictional framework for maritime spaces
- Institutional framework
- Conservation of living resources and equitable and efficient utilization of resources
- Protection and preservation of the marine environment
- Promotion of marine scientific research and transfer of marine technology
Maritime zones under UNCLOS

- High Seas (Articles 86-120)
  - Freedom of the high seas
  - Flag State jurisdiction

- Area (Articles 133-191)
  - Common Heritage of Mankind
  - International Seabed Authority
Bodies under UNCLOS

- Commission on the Limits of the Continental Shelf
- International Seabed Authority
- International Tribunal for the Law of the Sea
- Meeting of States Parties

Marine environment and living resources

- General obligation to protect and preserve the marine environment (art. 192)
- Prevention and reduction of pollution from all sources (art. 194)
- Conservation and management of marine living resources within (art. 61-68) and beyond (art. 116-120) national jurisdiction
Marine scientific research and technology transfer

International law, as reflected in UNCLOS, provides the legal framework for the conservation and sustainable use of the oceans and their resources.

Importance of UNCLOS to advancing sustainable development.

Urge all UNCLOS Parties to fully implement their obligations under the Convention.

Need for cooperation in marine scientific research to implement the provisions of UNCLOS and the outcomes of the major summits on sustainable development.

Rio+20 (paras. 158, 159, 160)
Work of the General Assembly

Working Group on Biodiversity Beyond Areas of National Jurisdiction
What is being discussed?

- Governance
- Conservation and management tools, including:
  - area-based management
  - environmental impact assessments
- Marine genetic resources
- Capacity-building and transfer of marine technology

Intersessional workshops

- Marine genetic resources (2-3 May 2013)
  - Meaning and scope; extent and types of research, uses and applications
  - Technological, environmental, social, economic aspects
  - Access-related issues, types of benefits and benefit-sharing
  - Intellectual property rights
  - Global and regional regimes on genetic resources, experiences and best practices
  - Exchange of information on research programmes
Intersessional workshops

- Conservation and management tools (6-7 May 2013)
  - Types of area-based management tools
  - Key ecosystem functions and processes in ABNJ
  - Assessments of sectoral and cumulative impacts
  - Technological, environmental, social and economic aspects
  - Existing regimes, experiences and best practices
  - New and emerging uses of, and experimental activities in ABNJ
  - Impacts on and challenges to marine BBNJ
  - Exchange of information on research programmes

**Rio+20 (para.162) & GA resolution 67/78 (para. 181)**

States committed to address, on an urgent basis, the issue of the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction, building on the work of the Working Group and before the end of the sixty-ninth session of the GA, including by taking a decision on the development of an international instrument under UNCLOS.
Ad Hoc Working Group of the Whole on the Regular Process

- Recommendation of the 2002 World Summit on Sustainable Development
- Established by the United Nations General Assembly in 2010
- Group of Experts to oversee and guide the Regular Process
- Pool of Experts to assist the Group of Experts in the preparation of the World Ocean Assessment
- Workshops in the regions are a key mechanism
**Trust Fund of the Regular Process**

- Established by the General Assembly in resolution 64/71 of 4 December 2009
- Assistance to the members of the Group of Experts from developing countries
- Member States, international financial institutions, donor agencies, IGOs, NGOs and natural and juridical persons may contribute
- In 2013: US$ 60,000 is needed for meetings of the Group of Experts

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**Rio+20 (para.161)**

- Support for the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, established under the auspices of the General Assembly
- Look forward to the completion of its first global integrated assessment of the state of the marine environment by 2014 and the subsequent consideration by the Assembly
- Encouragement to States to consider the assessment findings at appropriate levels
Some conclusions

- Reaffirmation of the role and continued relevance of UNCLOS in sustainable development and as the global legal framework for all activities in the oceans and sea

- 2014 – critical year for the oceans:
  - Marine biodiversity in ABNJ: decision on multilateral agreement under UNCLOS
  - Regular Process: first World Oceans Assessment

Thank you for your attention!