

UNCLOS and Recent Developments at the General Assembly

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UNCLOS and Recent Developments at the General Assembly

Why?

- Legal framework for the oceans:
the law of the sea, as reflected in
the 1982 United Nations
Convention on the Law of the Sea
- Global governance framework:
United Nations, in particular
General Assembly



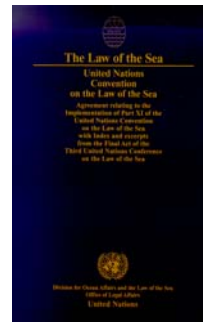
The law of the sea

- Customary international law
- 1982 United Nations Convention on the Law of the Sea (UNCLOS)
- 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

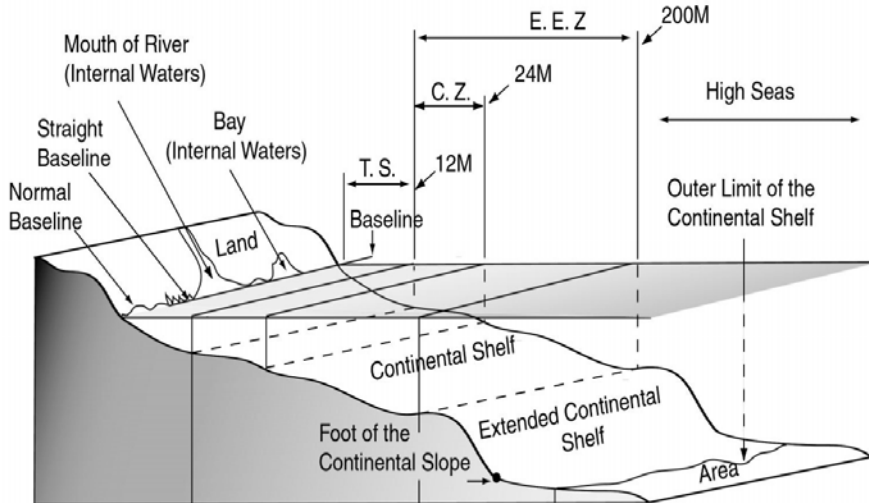


- Coastal States and other States, including researching States
- Exploitation and conservation
- Unimpeded access to resources beyond areas of national jurisdiction vs. controlled access to such resources

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



Maritime zones beyond the limits of national jurisdiction



- 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



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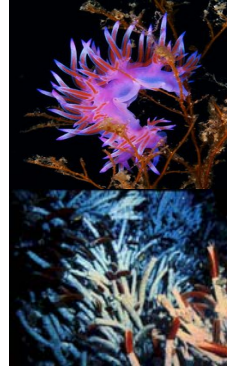
Rio+20 (paras. 158, 159, 160)

- 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



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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



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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*



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Ad Hoc Working Group of the Whole on the Regular Process



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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



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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



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



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Thank you for your attention!



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