

Governance of the activities in the Area: Relevant principles and the role of the *Division for Ocean Affairs and the Law of the Sea,* Office of Legal Affairs, United Nations

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Outline

- Introduction
- 1982 United Nations Convention on the Law of the Sea (UNCLOS)
- Role of the United Nations
 - Role of the Secretary-General and of the Secretariat
- Relevant principles



1967-1968

1 November 1967, speech by Malta's Ambassador to the United Nations, Mr. Arvid Pardo

7. The dark oceans were the womb of life: from the protecting oceans life emerged. We still bear in our bodies—in our blood, in the salty bitterness of our tears—the marks of this remote past. Retracing the past, man, the present dominator of the emerged earth, is now returning to the ocean depths. His penetration of the deep could mark the beginning of the end for man, and indeed for life as we know it on this earth: it could also be a unique opportunity to lay solid foundations for a peaceful and increasingly prosperous future for all peoples.



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Third United Nations Conference on the Law of the Sea



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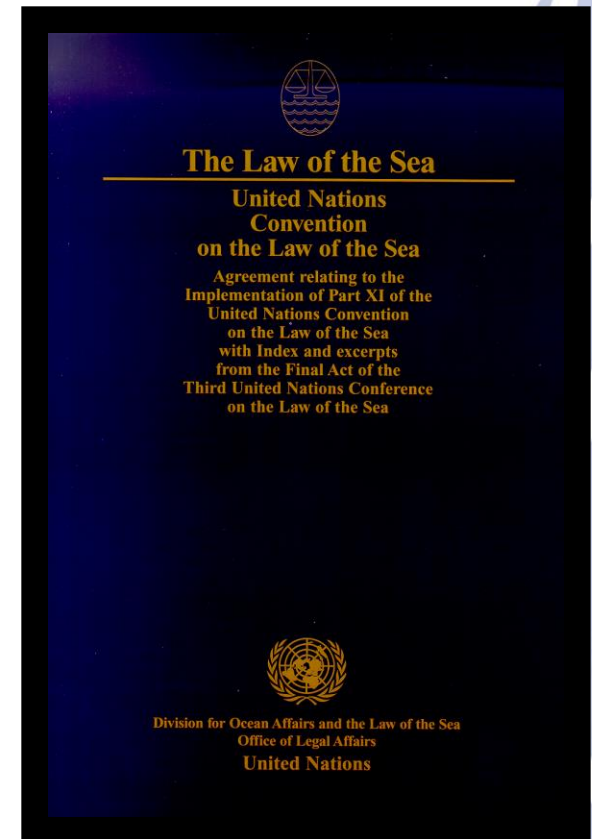


Adoption of UNCLOS and its opening for signature



United Nations Convention on the Law of the Sea of 10 December 1982

- United Nations Convention on the Law of the Sea of 10 December 1982
- “Constitution for the oceans” - legal regime governing all ocean space, 320 articles, 9 annexes

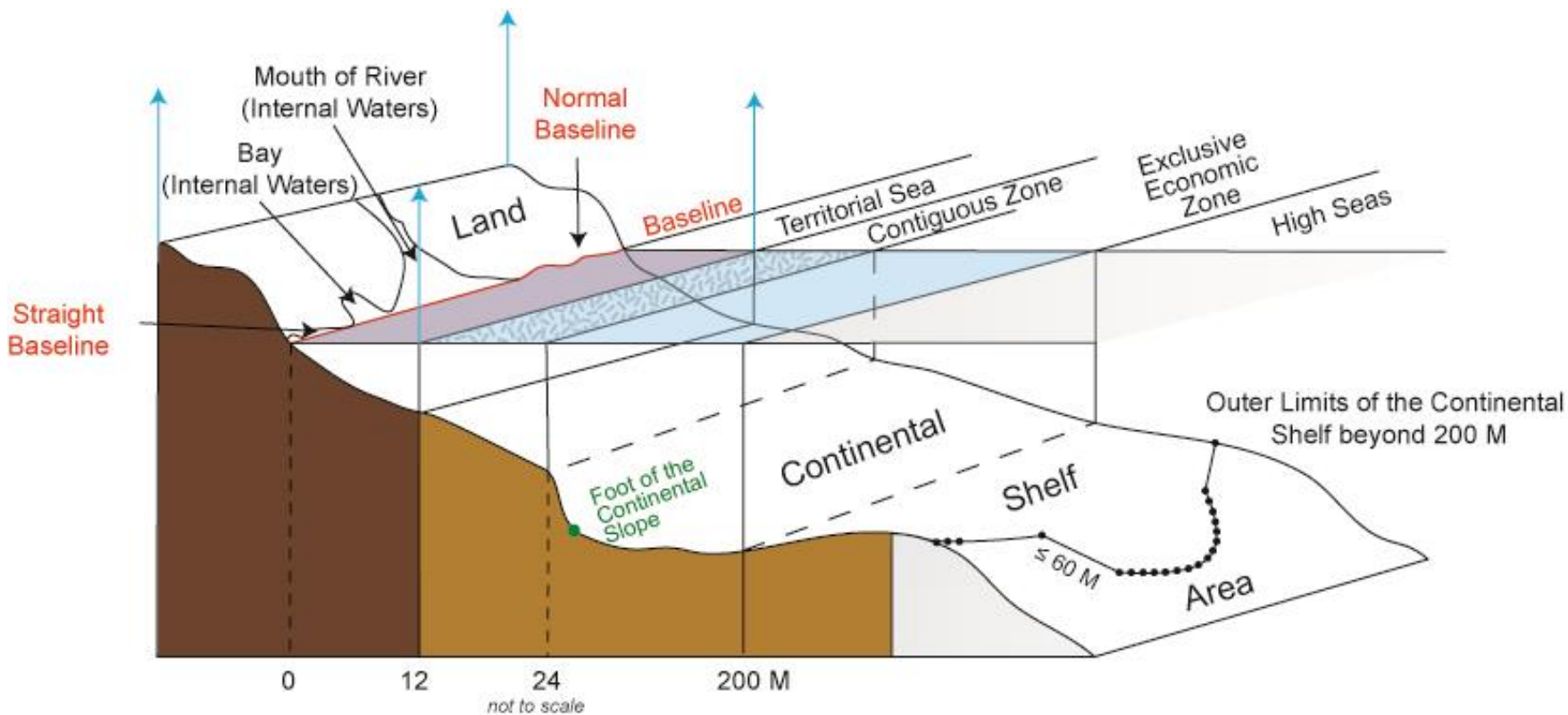


Convention as a “package”

- The conceptual underpinnings of the Convention as a “package” is its most significant feature, and has contributed to the remarkable achievement of the Convention.
- The package is the result of the close interrelationship of the many different issues involved, the large number of participating States and the vast number of often conflicting interests which frequently cut across the traditional lines of negotiation by region.
- Every individual provision of the text had to be weighed within the context of the whole, producing an intricately balanced text to provide a basis for universality.



Maritime zones (detail)



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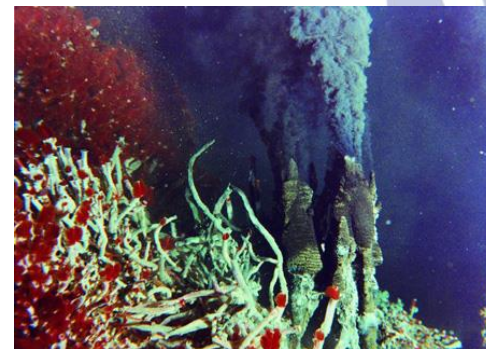
Status of the Maritime Zones

Coastal State: Sovereignty	Coastal State: Sovereign rights, obligations and/or jurisdiction	Areas beyond national jurisdiction: rights and obligations of States as members of the international community
Internal waters	Contiguous zone	High Seas
Archipelagic waters	Exclusive economic zone	The Area
Territorial sea	Continental shelf	



ROLE OF THE UNITED NATIONS:

An Overview



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General Assembly



General Assembly and oceans

The General Assembly undertakes an annual review of the overall developments relating to the law of the sea

Adopts:

- Annual resolution on Oceans and the Law of the Sea
- Annual resolution on Sustainable Fisheries

Basis for the review:

Work of its subsidiary bodies

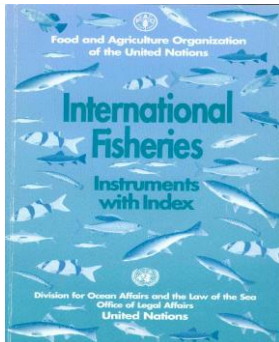
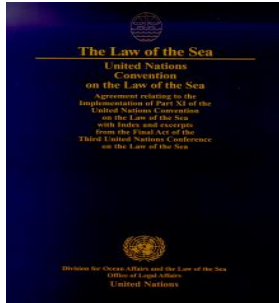
Reports of the Secretary-General on oceans and the law of the sea



Secretary-General of the United Nations



Division for Ocean Affairs and the Law of the Sea



- Performs responsibilities of the Secretary-General under the:
 - United Nations Convention on the Law of the Sea
 - The United Nations Fish Stocks Agreement
- Performs the mandate provided to the Division in General Assembly resolutions

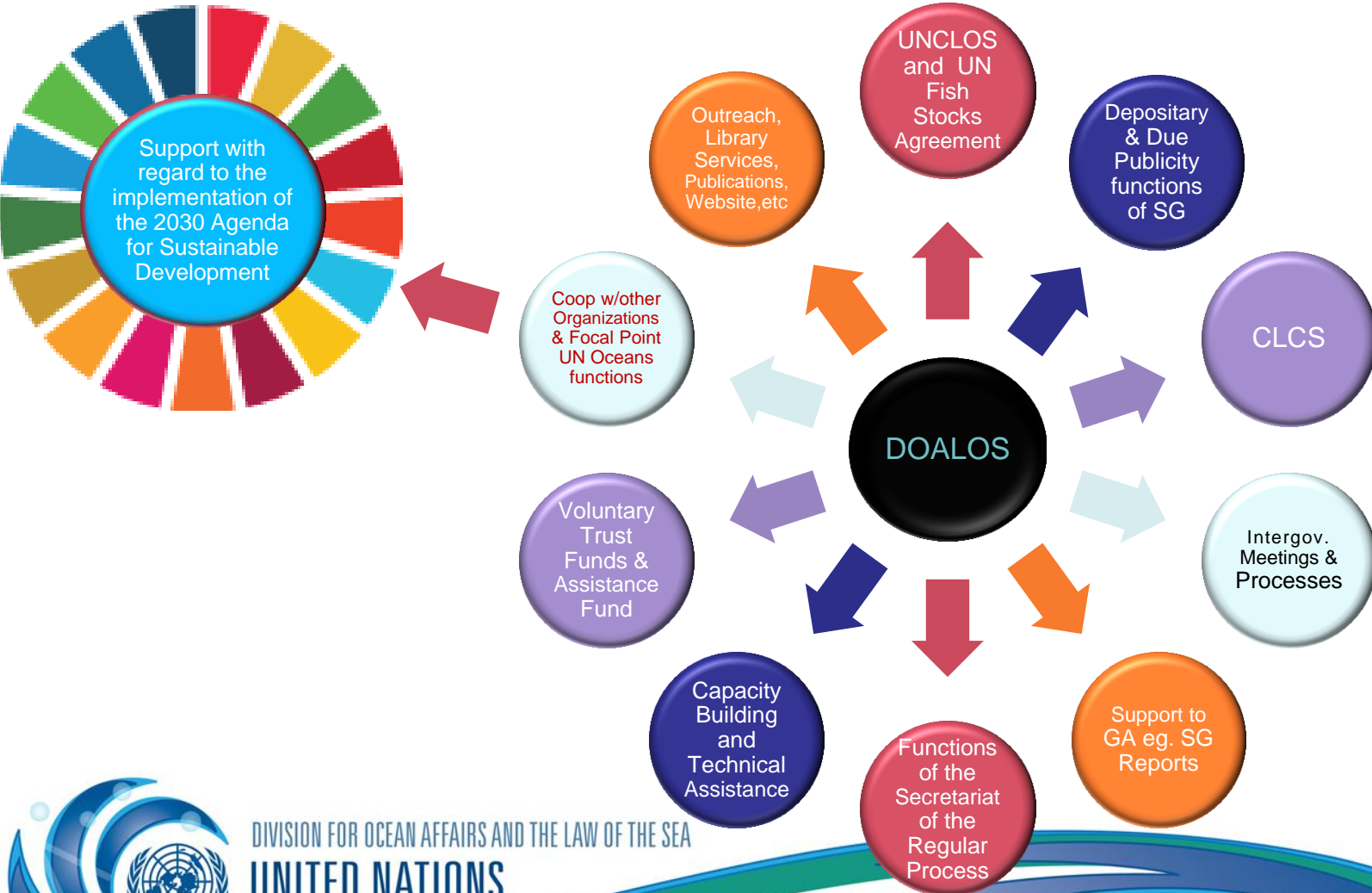


Mandates

- **1994 – Entry into force of UNCLOS**
- **Selected elements of the mandate in General Assembly resolutions on oceans and the law of the sea**
 - Respond to requests for advice and assistance to States, in particular developing States, and intergovernmental organizations
 - Establish facilities for the deposit of maps, charts and coordinates
 - Prepare for and convene meetings of States Parties to the Convention
 - Prepare for and service the Commission on the Limits of the Continental Shelf (CLCS)



DOALOS - Summary of main current mandates and functions



Deposit of information on maritime limits under UNCLOS

The United Nations Convention on the Law of the Sea provides for the deposit of charts or list of geographical coordinates, and due publicity thereto:

- articles 16, paragraph 2,
- article 47, paragraph 9,
- article 75, paragraph 2,
- article 76, paragraph 9, and
- article 84, paragraph 2 [deposit also with ISA's SG].



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Deposit of information on maritime limits under UNCLOS (cont'd)

International act by to comply with the deposit obligations, after the entry into force of the Convention.

Act addressed to the Secretary-General and should:

- (i) be accompanied by the relevant information,
- (ii) clearly state the intention to deposit and
- (iii) specify the relevant article(s) of the Convention and the geodetic datum.

Mere existence or adoption of legislation or the conclusion of a maritime boundary delimitation treaty registered with the Secretariat, even if they contain charts or lists of coordinates, cannot be interpreted as an act of deposit with the Secretary-General under the Convention.

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Deposit– purposes

The objective in making such information available is, inter alia to protect the sovereignty/sovereign rights/jurisdiction of coastal States in their maritime zones; and to prevent the infringements of coastal States' sovereign rights over natural resources of the exclusive economic zone or the continental shelf or their jurisdiction over activities, installations, etc., related to these resources.

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3 July 2018

DOALOS/OLA



Support and services to the Commission on the Limits of the Continental Shelf



Functions of the United Nations Secretariat (inter alia, under the Charter of the United Nations and General Assembly resolutions)

- Assistance by the Secretary-General in the peaceful settlement of disputes
- Advice and assistance to States
- Assistance to the United Nations system
- Cooperation with UNCLOS bodies –
International Tribunal for the Law of the Sea,
International Seabed Authority



Relevant principles



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Common Heritage of Mankind

- Area: Seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction (Art. 1.1);
- The Area and its resources are the common heritage of mankind (Art. 136).



Legal framework related to the protection and preservation of the marine environment

- UNCLOS: general obligation to protect/preserve marine environment (art. 192)
 - prevent, reduce and control pollution of the marine environment from any source (art. 194);
 - monitor risks/effects of pollution (art. 204); and
 - assess potential effects of planned activities under States jurisdiction or control that may cause substantial pollution of or significant and harmful changes to the marine environment (art. 206).



Legal framework related to the protection and preservation of the marine environment (cont'd)

Or particular relevance, the obligations to

1 - Take measures to minimize to the fullest possible extent pollution from installations and devices in exploration or exploitation of the natural resources of the seabed and subsoil, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea and regulating the design, construction, equipment, operation and manning of such installations or devices (art. 194.3(d));



Legal framework related to the protection and preservation of the marine environment (cont'd)

2- To protect and preserve rare or fragile ecosystems, as well as the habitats of depleted, threatened or endangered species and other forms of marine life (art. 194.5);

3 - To prevent, reduce and control pollution resulting from the use of technologies under their jurisdiction or control and the intentional or accidental introduction of alien or new species to a particular part of the marine environment (art. 196).



Legal framework related to international cooperation

- International cooperation, including at the regional level: a requirement under UNCLOS.
- UNCLOS, which sets out the legal framework within which all activities in the oceans and seas must be carried out, provides the overarching framework for such cooperation.
- This applies also to the protection and preservation of the marine environment



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Legal framework related to international cooperation (cont'd)

- UNCLOS elaborates on a number of areas where such international instruments must be established, including at the regional level:
 - Pollution from seabed activities: regional instruments that have been adopted form part of the minimum rules and standards that a State must implement at the national level.
 - This includes the Regional Seas Protocols concerning marine pollution resulting from exploration and exploitation of the continental shelf.
 - UNCLOS also recognizes the pre-existence of special conventions and agreements in relation to the protection and preservation of the marine environment.



Legal framework related to the powers of the International Seabed Authority on the protection of the marine environment

- ISA, responsible for
 - administering the mineral resources of the Area,
 - including prospecting, exploration and exploitation activities for those resources
 - taking the measures necessary to ensure effective protection of the marine environment from the harmful effects that may arise from such activities (UNCLOS – Annex III).
- REMPs should be consistent with ISA rules, regulations and procedures.



Thank You

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