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**Oceans and the law of the sea**

# Oceans and the law of the sea

## Report of the Secretary-General**

### Addendum

*Summary*

The present report is submitted pursuant to paragraph 272 of General Assembly resolution 67/78, in which the Assembly requested the Secretary-General to prepare a report on developments and issues relating to ocean affairs and the law of the sea, including the implementation of resolution 67/78, for consideration at its sixty-eighth session. It is also being submitted to States parties to the United Nations Convention on the Law of the Sea, pursuant to article 319 of the Convention. Intergovernmental organizations, the specialized agencies, funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law of the sea and funding institutions contributed to the present report.

* A/68/150.

** Owing to the page limit, the present report contains a summary of the most important recent developments and selected information from contributions by relevant agencies, programmes and bodies.

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# I. Introduction

1. The present report provides an overview of developments in ocean affairs and the law of the sea. Its purpose is to assist the General Assembly in its annual review of the implementation of the United Nations Convention on the Law of the Sea of 10 December 1982[1] and other developments related to ocean affairs and the law of the sea. The report should be read in conjunction with (a) the report of the Secretary-General on oceans and the law of the sea (A/68/71), which addressed the topic of focus of the fourteenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (the Consultative Process); (b) the report on the work of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (A/68/82); (c) the report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its fourteenth meeting (A/68/159); (d) the summary of proceedings of the intersessional workshops aimed at improving understanding of the issues and clarifying key questions as an input to the work of the Working Group in accordance with the terms of reference annexed to General Assembly resolution 67/78, prepared by the Co-Chairs of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (A/AC.276/6); (e) the report of the twenty-third Meeting of States Parties to the United Nations Convention on the Law of the Sea (SPLOS/263); as well as other relevant documents, such as the statements by the Chair of the Commission on the Limits of the Continental Shelf on progress of work in the Commission (CLCS/76, 78 and 80). The present report covers the period between 1 September 2012 and 31 August 2013.

2. The Secretary-General is grateful to the United Nations specialized agencies, programmes and bodies, as well as other intergovernmental organizations, which contributed information to the present report.

# II. United Nations Convention on the Law of the Sea and its implementing agreements and bodies established thereunder

## A. Status of the Convention and its implementing agreements

3. On 10 December 2012, the international community marked the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. The number of parties to the Convention has risen to 166, following the accession by Timor-Leste on 8 January 2013 and the ratification by Niger on 7 August 2013. On those respective dates, Timor-Leste and Niger also expressed their consent to be bound by the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, thus bringing the number of parties to that Agreement to 145. The number of parties to the Agreement for the Implementation of the Provisions 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 (the United Nations Fish Stocks Agreement) continues to stand at 80.

[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.

4. During the reporting period, declarations under article 287 of the Convention were made upon accession by Timor-Leste on 20 December 2012, and by Madagascar, following its ratification in August 2001. On 26 October 2012, Argentina partially withdrew a declaration made upon ratification with respect to article 298 of the Convention.

## B. Meeting of States Parties

5. A special Meeting of States Parties to the Convention was held on 19 December 2012 to elect one member of the Commission on the Limits of the Continental Shelf.[2] The Meeting elected Szymon Uścinowicz (Poland) to serve from the date of election until 15 June 2017.

6. The twenty-third Meeting of States Parties to the Convention was held in New York from 10 to 12 June 2013.[3] Among other matters, the States parties decided to establish an open-ended working group to consider the conditions of service of the members of the Commission on the Limits of the Continental Shelf.

## C. Commission on the Limits of the Continental Shelf and its workload

7. The workload of the Commission has continued to increase. During the reporting period, five new submissions and one partial revised submission were made.[4] The Commission, having agreed to increase the number of weeks of its sessions per year to 21 in order to address its considerable workload, held its thirty-first and thirty-second sessions from 21 January to 8 March 2013 and from 15 July to 30 August 2013. The thirty-third session will be held from 7 October to 22 November 2013.[5]

8. To date, the Commission has adopted 18 sets of recommendations.[6] On 2 November 2012, Australia became the fourth submitting State, after Ireland, Mexico and the Philippines, to have deposited information and data on the outer limits of its continental shelf beyond 200 nautical miles with reference to the recommendations of the Commission, noting that "a limited number of areas ... remain to be resolved".[7]

## D. International Seabed Authority

9. To date, 16 plans of work for exploration in the Area have been approved.[8] Heightened interest in marine minerals of the deep seabed is one major factor in the significant increase in the Authority's workload.

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[2] See SPLOS/255.
[3] See SPLOS/263.
[4] See www.un.org/depts/los/clcs_new/commission_submissions.htm.
[5] See CLCS/78 and CLCS/80.
[6] See www.un.org/depts/los/clcs_new/commission_submissions.htm.
[7] See www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/mzn_s/mzn92ef.pdf.
[8] Statement by the Secretary-General of the International Seabed Authority at the twenty-third Meeting of States Parties to the United Nations Convention on the Law of the Sea.

10. In July 2013, the Assembly of the Authority approved two plans of work for the exploration of cobalt-rich ferromanganese crusts. It also amended the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area.[9] Furthermore, the Assembly decided that a fixed overhead charge of $47,000 would be payable annually by contractors to cover the administration and supervision of contracts as well as the review of contractors' reports by the Authority.

### E. International Tribunal for the Law of the Sea

11. Information on major developments in the work of the Tribunal is contained in its annual report for 2012 (SPLOS/256). See also section XI of the present report.

## III. Maritime space

12. Clearly defined and duly publicized limits of maritime zones under national jurisdiction are an essential basis for States to derive benefits from the oceans and their resources, as they provide certainty with regard to the extent of the sovereignty or sovereign rights and jurisdiction of coastal States. For this purpose, the United Nations Convention on the Law of the Sea contains detailed deposit and due publicity obligations for States parties.[10]

13. While there have been an increasing number of actions relating to the delineation and delimitation of maritime zones since the entry into force of the United Nations Convention on the Law of the Sea, only a minority of coastal States have, thus far, discharged their deposit and due publicity obligations under the Convention.[11]

14. The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs continues to assist States in fulfilling their obligations relating to the deposit of charts and geographical coordinates under the Convention. As mandated by the General Assembly in resolution 59/24, and in collaboration with the International Hydrographic Organization (IHO) and its relevant organs, the Division developed a product specification which could assist States parties in their preparation of deposits under the Convention.[12] The benefits of utilizing this product specification are manifold and could include: (a) greater and unified accuracy of the location of the outer limits of the maritime zone; (b) compliance with other internationally adopted standards and consequently easier integration of the information into products such as electronic nautical charts; (c) guidance for capacity-building at the national level to maintain national information systems on the outer limits of maritime zones and maritime boundaries; and (d) reliable and authoritative data available to States and other users at no cost. There could also be some indirect benefits such as: (a) an increased number of deposits; (b) legal certainty for users of the oceans; (c) improved protection of the marine environment; and (d) improved management of resources. If the product specification were to be endorsed by the

[9] See ISBA/19/A/9.

[10] Articles 16 (2), 47 (9), 75 (2) and 84 (2). See also articles 21 (3) and 42 (3).

[11] See www.un.org/Depts/los/LEGISLATIONANDTREATIES/depositpublicity.htm.

[12] The product specification is based on IHO S-100, the Universal Hydrographic Model, and IHO S-101, the Electronic Navigational Chart Product Specification.

appropriate intergovernmental process, it would be used by the Division to store and process deposits and disseminate the deposited information through its website.

15. The draft project specification having been developed, it is essential that Member States provide further guidance to the Division and IHO with a view to the adoption of the specification and its subsequent maintenance.

16. The Division continues to publish information on the deposit of charts and geographical coordinates and other developments, including in the most recent issues of the *Law of the Sea Bulletin*, Nos. 80 to 82. Actions by States parties in implementing the United Nations Convention on the Law of the Sea were given publicity through *Law of the Sea Information Circular* No. 36 and No. 37. Information on State practice is also available on the website of the Division.[13]

# IV. Developments relating to international shipping activities

17. Maritime transport is the backbone of international trade and a key engine driving globalization. World seaborne trade grew by 4 per cent in 2011, reaching 8.7 billion tons, fuelled by strong growth in container and dry bulk trades. It is estimated that the world merchant fleet reached almost 1.5 billion dead-weight tons at the beginning of 2012, representing an increase of 100 million dead-weight tons over 2011 and of more than 37 per cent in just four years. As freight traffic continues to grow, concerns have been raised about how it may adversely affect the environment, human health and the climate.[14]

18. Ensuring the safety of ships and navigation, in particular through the implementation and enforcement of relevant international conventions, continues to be of critical importance. The present section set out recent main developments in ensuring the safety of ships and navigation and should be read together with sections V and VI and paragraphs 96 and 97 below.

19. The measures that flag States are required to implement and enforce under the United Nations Convention on the Law of the Sea to ensure safety at sea must conform to the generally accepted international rules, procedures and practices contained in the legal instruments developed by the competent international organizations. A comprehensive body of global rules and regulations to regulate maritime safety has been developed within the International Maritime Organization (IMO), the International Labour Organization (ILO), the International Atomic Energy Agency (IAEA), IHO and other organizations.

20. The IHO secretariat has noted that many government-sponsored surveying activities are now decreasing as a result of financial constraints and conflicting priorities, notwithstanding the fact that hydrographic information has an impact on what can safely, economically and sustainably be done at sea. It also noted that the lack of adequate data impedes progress and economic development.[15]

21. Over the past year, IMO has continued to further develop regulations, procedures and practices on ship construction, equipment and seaworthiness

[13] www.un.org/Depts/los/LEGISLATIONANDTREATIES/index.htm.

[14] UNCTAD, *Review of Maritime Transport 2012* (United Nations publication, Sales No. E.12.II.D.17).

[15] IHO contribution.

contained in IMO conventions, including the International Convention for the Safety of Life at Sea, 1974, the International Convention on Load Lines, 1966 and the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, including safety standards for passenger ships. For example, it adopted an amendment to the International Convention for the Safety of Life at Sea requiring new ships to be constructed to reduce on-board noise and to protect personnel from noise. IMO also amended the latter Convention in order to provide for the mandatory application of the Code for Recognized Organizations. The Code contains, inter alia, criteria against which recognized organizations that may be authorized by flag States to carry out surveys and issue certificates on their behalf are assessed and authorized/recognized. It also provides guidance for subsequent monitoring of recognized organizations by administrations. Furthermore, also with respect to the International Convention for the Safety of Life at Sea, in the wake of the *Costa Concordia* incident, IMO adopted a new regulation, III/17-1, which will require ships to have plans and procedures to recover persons from the water; it also adopted related guidelines, as well as a resolution on the implementation of regulation III/17-1 for ships other than those engaged in international voyages.[16]

22. The adoption at a diplomatic conference in October 2012, of the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, is expected to play a significant part in helping to improve safety standards and reduce the loss of life at sea. The Agreement updates and amends a number of provisions of the Torremolinos Protocol relating to the safety of fishing vessels, with a view to addressing the technical and legal issues that had prevented the Protocol from entering into force. The Agreement will enter into force 12 months after the date on which not less than 22 States, the aggregate number of whose fishing vessels of 24 metres in length and over operating on the high seas is not less than 3,600, have expressed their consent to be bound by it.[17]

23. The Food and Agriculture Organization of the United Nations (FAO), ILO and IMO jointly developed guidelines to assist competent authorities in the implementation of voluntary instruments on the design, construction and equipment of all fishing vessels of all types and sizes and a safety standard for small fishing vessels.[18]

24. The shipping industry's international regulatory regime has been significantly strengthened with the entry into force of the Maritime Labour Convention, 2006 (see para. 27 below). Other recent measures, which will also enhance the implementation and enforcement of the Convention include the adoption by IMO of amendments to the International Management Code for the Safe Operation of Ships and for Pollution Prevention to, inter alia, require the company to ensure that the ship is appropriately manned.[19] Furthermore, in November 2013, the IMO Assembly will consider the draft IMO instruments implementation code (III Code) and draft amendments to the International Convention for the Safety of Life at Sea

[16] See IMO documents MSC 91/22 and MSC 92/22.

[17] IMO contribution; see also IMO documents MSC 92/26-Add.2.

[18] See report of the thirtieth session of the Committee on Fisheries, Rome, 9-13 July 2012 (FIPI/R1012).

[19] See IMO document MSC 92/22.

and the International Convention on Load Lines, 1966 in order to make the III Code and auditing mandatory. The Assembly will also consider draft amendments to the Convention on the International Regulations for Preventing Collisions at Sea, 1972 and the International Convention on Tonnage Measurement of Ships, 1969. IMO will continue to focus its technical assistance on the implementation of the IMO Audit Scheme, with more emphasis on the training of maritime administrators from developing countries.[20]

# V. People at sea

25. International efforts to improve the working conditions of seafarers and fishers were considerably strengthened with the entry into force of the Maritime Labour Convention, 2006 on 20 August 2013 and of the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 on 29 September 2012, as well as the adoption of the Cape Town Agreement of 2012 (see paras. 22 above and 28 below). However, international migration by sea, often marred by tragic incidents at sea and characterized by complex legal, enforcement and human rights considerations, remains a matter of grave concern for the international community.

26. *Seafarers*. On 25 June 2013, the Day of the Seafarer was celebrated for the third time, reflecting growing support and recognition of the service of, and difficulties faced by, the world's more than 1.5 million seafarers. Under the theme "Faces of the sea", the Day highlighted the critical role of seafarers in delivering more than 90 per cent of the world's goods.[21]

27. The Maritime Labour Convention, 2006 will strengthen the legal regime of the United Nations Convention on the Law of the Sea relating to labour conditions to which reference is made in the Maritime Labour Convention. The latter convention sets out comprehensive rights and protection at work for the world's seafarers.[22] It consolidates 68 existing ILO conventions and recommendations into a single agreement comprising three parts: the articles; the regulations; and the Code. The Code is divided into mandatory standards (part A) and non-mandatory guidelines (part B). It covers five general areas: minimum requirements for seafarers to work on a ship; conditions of employment; accommodation, recreational facilities, food and catering; health protection, medical care, welfare and social security protection; and compliance and enforcement. The Convention contains measures providing for inspection in foreign ports and a clause that will keep the ships of a State that has not ratified the Convention from being treated more favourably than ships flying the flag of a State that has done so. The port State control mechanism builds upon well-established arrangements under the various regional memorandums of understanding on port State control.[23]

28. *Fishers*. Important developments to improve fishers' safety and working conditions include the adoption of the Cape Town Agreement of 2012 (see para. 22

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[20] IMO contribution.

[21] Message by the Secretary-General of the International Maritime Organization, available from www.imo.org/About/Events/dayoftheseafarer/Documents/2013%20Day%20of%20the%20Seafarer%20message%20.pdf.

[22] See www.ilo.org/global/standards/maritime-labour-convention/lang--en/index.htm.

[23] A/61/63, para. 79.

above) and the entry into force of the International Convention on Standards of Training Certification and Watchkeeping for Fishing Vessel Personnel, 1995 on 29 September 2012. The latter sets the certification and minimum training requirements for crews of seagoing fishing vessels of 24 metres in length and above.[24]

29. While it is recognized that most of the industry provides decent working and living conditions to fishers, the 2013 International Labour Office report *Caught at Sea: Forced Labour and Trafficking in Fisheries* identifies serious incidents of abuse in some fisheries and on-board some fishing vessels, amounting to forced labour and human trafficking.[25] The Global Dialogue Forum for the promotion of the Work in Fishing Convention, 2007 (No. 188), held at the International Labour Office in May 2013, noted that the enforcement and monitoring procedures of Convention No. 188 could help prevent forced labour and human trafficking in the sector.

30. *International migration by sea and stowaways*. Owing to the clandestine nature of such migration, often associated with organized crime (see paras. 34, 35 and 37 below), it is difficult to estimate the number of migrants and stowaways who use maritime routes to cross international borders. In 2012, 86 incidents involving 978 migrants trafficked or transported by sea were reported to IMO.[26] Furthermore, in 2012, 90 stowaway incidents involving 166 stowaways were reported to IMO.[27] It has been noted with concern that the statistics published by IMO clearly underreported the scale of the problem of stowaways.[28]

31. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), 107,500 African refugees and migrants made the perilous sea journey from the Horn of Africa to Yemen in 2012, the largest such influx since UNHCR began compiling these statistics in 2006.[29] On 5 July 2013, UNHCR announced that an estimated 8,400 migrants and asylum-seekers landed on the coasts of Italy and Malta in the first six months of 2013.[30] The need for greater practical cooperation to address rising levels of irregular maritime movements in the Asian and Pacific region has been recognized.[31]

32. The United Nations Convention on the Law of the Sea sets out the duty to render assistance to persons in distress at sea and the obligation of coastal States to establish search and rescue services. It also sets out the rights and duties of States in the various maritime zones, which include enforcement measures they may take to address any criminal activities associated with international migration by sea. The

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[24] See www.imo.org/OurWork/HumanElement/Pages/STCW-F-Convention.aspx.

[25] See www.ilo.org/global/about-the-ilo/newsroom/comment-analysis/WCMS_214522/lang--en/index.htm.

[26] See IMO document MSC.3/Circ.22.

[27] See IMO document FAL.2/Circ.126.

[28] See IMO document FAL 38/15, para. 6.20.

[29] See www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=50f5377e11&query=migration%20by%20sea%202012.

[30] See www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=51d6b8a56&query=migration%20by%20sea%202012.

[31] Regional Roundtable on Irregular Movements by Sea in the Asia-Pacific Region, Jakarta, March 2013. See www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=5149c3059&query=migration%20by%20sea%202012.

provisions of the Convention are supplemented by a number of other international instruments.

33. The General Assembly has, inter alia, underscored the obligation of masters of ships to provide assistance to persons in distress at sea and the need for States to fulfil their search and rescue responsibilities in accordance with international law, including the United Nations Convention on the Law of the Sea, and to take effective action to address, to the extent feasible, the issue of unseaworthy ships and small craft. The Assembly has also called upon States to continue to cooperate in developing comprehensive approaches to international migration and development.[32]

# VI. Maritime security

34. Criminal activities at sea take various forms and include piracy and armed robbery at sea, illicit traffic in narcotic drugs and psychotropic substances and the smuggling of migrants (see also paras. 30 and 31 above and 79 below). Indeed, the maritime route is extensively used and favoured by organized criminals. For example, globally, each maritime seizure of illicit drugs and psychotropic substances is reportedly several times larger than seized consignments trafficked by air, with East and West African routes gaining in prominence, together with a new maritime route going southwards from Afghanistan via ports in the Islamic Republic of Iran or Pakistan.[33] Since 2009, seizures of heroin have increased sharply in Africa, especially in East Africa, where they have increased almost tenfold.[34] In a recent report, entitled "Transnational organized crime in East Asia and the Pacific — a threat assessment report", the United Nations Office on Drugs and Crime (UNODC) provided information on the smuggling of migrants from South and West Asia through South-East Asia to Australia and Canada.[35]

35. In its resolution 22/6, entitled "Promoting international cooperation and strengthening capacity to combat the problem of transnational organized crime committed at sea", adopted in April 2013, the Commission on Crime Prevention and Criminal Justice urged Member States to strengthen international cooperation at all levels to combat transnational organized crime committed at sea, including piracy off the coast of Somalia and in the Gulf of Guinea.[36]

36. International cooperation to address crimes at sea has increased, in particular with regard to the repression of piracy at sea. States are also taking more steps to criminalize and prosecute the perpetrators of crimes committed at sea. This has resulted in a reduction in the incidence of some such crimes in some regions. The United Nations has played a pivotal role in this regard, in particular in terms of fostering the recognition and application of the United Nations Convention on the Law of the Sea as the main legal framework for the prevention and repression of crimes at sea.

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[32] See resolution 67/78.

[33] United Nations Office on Drugs and Crime, *World Drug Report 2013*.

[34] Ibid.

[35] See http://www.unodc.org/documents/southeastasiaandpacific/Publications/2013/TOCTA_EAP_web.pdf.

[36] See E/2013/30-E/CN.15/2013/27, chap. I, sect. D.

37. On 25 June 2013, 22 States signed the Code of Conduct concerning the Prevention of Piracy, Armed Robbery against Ships and Illicit Maritime Activity in West and Central Africa. The signatories of the Code intend to cooperate to the fullest possible extent in the prevention and repression of piracy and armed robbery against ships, transnational organized crime in the maritime domain, maritime terrorism, illegal, unreported and unregulated fishing and other illegal activities at sea. IMO has pledged its support to this initiative through a new multi-donor trust fund.

## Piracy and armed robbery at sea

38. Piracy is defined in article 101 of the United Nations Convention on the Law of the Sea and occurs on the high seas and in the exclusive economic zone. Acts which would be considered acts of piracy except that they occur in the territorial sea, internal waters or archipelagic waters of a State are classified as acts of armed robbery against ships.[37] In 2012, 341 acts of piracy and armed robbery against ships worldwide were reported to IMO as having occurred or having been attempted, a decrease of 203 (37.32 per cent) compared to 2011. The number of Somalia-based piracy attacks, in particular, dropped from 286 incidents in 2011 to 99 incidents in 2012. The number of attacks in the South China Sea, the Indian Ocean and in South America and the Caribbean also declined. On the other hand, the number of attacks in West Africa, in the Malacca Strait and in the Mediterranean Sea increased. The majority of the reported incidents in 2012 were ascribed to Somali pirates operating in the Arabian Sea and East Africa (99), followed by incidents in the South China Sea (90), West Africa (64), the Indian Ocean (33), the Malacca Strait (24), South America and the Caribbean (21), the Mediterranean Sea (6), the Far East (2), the North Atlantic Ocean (1) and the Persian Gulf (1). The majority of the attacks worldwide in 2012 were reported to have occurred or have been attempted in port areas.[38]

39. Worldwide, 26 ships were reportedly hijacked in 2012, compared to 50 in 2011. About 313 crew members were reportedly taken hostage/kidnapped, compared to 599 crew members taken hostage/kidnapped in 2011. No crew member was reported to be missing in 2012.[39] Disturbing levels of violence were employed in West Africa, where five crew members were killed. In order to address this situation, in January 2013 the European Union launched the Critical Maritime Routes in the Gulf of Guinea project to combat piracy in the Gulf of Guinea.

40. These declining trends in piracy and armed robbery against ships appear to have been continuing in the first half of 2013, during which the International Maritime Bureau reported 120 incidents worldwide, including four hijackings. Seven reported incidents, including one hijacking,[40] involved Somali pirates.

41. However, owing to the continuing situation off the coast of Somalia, the Security Council decided, in November 2012 to renew the authorizations previously

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[37] See Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships (IMO resolution A.1025(26) of 2 December 2009).

[38] IMO document MSC.4/Circ.193. See also www.icc-ccs.org/piracy-reporting-centre/piracynewsafigures.

[39] Ibid.

[40] For the latest figures, see www.icc-ccs.org/piracy-reporting-centre/piracynewsafigures.

granted to States and regional organizations cooperating with Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia.[41]

42. The Contact Group on Piracy off the Coast of Somalia met on 11 December 2012 and 1 May 2013, inter alia, to consider the outcomes of its five working groups.[42] The Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia continued to provide support to capacity-building initiatives in the region by approving a new set of projects for funding in May 2013.[43]

43. More than 20 States are involved in prosecuting, or have prosecuted, over 1,200 persons suspected of piracy. IMO, UNODC and others have provided capacity-building to facilitate such prosecutions.[44]

44. A number of initiatives remain under way to address the use of privately contracted armed security personnel on board commercial vessels, including initiatives by IMO,[45] the United Nations Interregional Criminal Research Institute,[46] the International Standards Organization and Working Group 2 of the Contact Group (on legal issues).[47]

# VII. Marine science and technology

45. Continued efforts to improve understanding and knowledge of the oceans and of their interface with the atmosphere is important, particularly considering the role of the oceans and their resources in achieving sustainable development, including eradicating poverty, contributing to food security, protecting and preserving the marine environment and its resources, and monitoring and forecasting climate change. To that end, Parts XIII and XIV of the United Nations Convention on the Law of the Sea can play a critical role in the promotion and facilitation of marine scientific research and the development and transfer of marine technology.

46. Following the United Nations Conference on Sustainable Development in June 2012, the importance of focusing on research and technical programmes that have the strongest impact in terms of societal benefits, safety, protection of the marine environment and technological innovations was emphasized by the Assembly of the Intergovernmental Oceanographic Commission (IOC) of the United Nations Educational, Scientific and Cultural Organization (UNESCO). In that regard, it was recognized that the highest priority should be given to ocean observations, data assessment and exchange, and early warning systems.[48]

47. With regard to early warning systems, efforts have continued towards a global coverage of warning and mitigation systems for tsunamis and other coastal hazards. As of 31 March 2013, the regional tsunami service providers of Australia, India and Indonesia assumed full operational responsibility for the provision of tsunami

[41] See Security Council resolution 2077 (2012), para. 12.

[42] See www.thecgpcs.org/.

[43] See http://unpos.unmissions.org/Default.aspx?tabid=9705&ctl=Details&mid=12667&ItemID=20329&language=en-US.

[44] IMO and UNODC contributions.

[45] See S/2012/783; see also Summary of the fourteenth plenary session of the Contact Group on Piracy off the Coast of Somalia, available from www.state.gov/t/pm/rls/othr/misc/208936.htm.

[46] See www.unicri.it/topics/piracy/security_contractors.

[47] See www.state.gov/t/pm/rls/othr/misc/208936.htm.

[48] See IOC-XXVII/3 prov.Pt.2A.

advisories for the Indian Ocean area of responsibility. Some States are also pursuing the establishment of warning and mitigation systems at the national level.[49]

## A. Marine science

48. Since the adoption of the United Nations Convention on the Law of the Sea, several trends have emerged, in particular in relation to marine data acquisition and dissemination, as a result, inter alia, of the development of autonomous technology, the adoption of standards and protocols to enhance data exchange, and greater use of national, regional and global oceanographic data centres. The emergence of large-scale, international collaborative programmes is also a noticeable trend.

49. IOC has conducted a global and regional assessment of capacity-development needs in the field of marine scientific research and ocean observation, especially in developing countries and small island developing States. It is expected that this will lead to the formulation and implementation of a global strategy on capacity-building to meet those needs.[50]

50. In this context, a meeting of a group of experts was organized jointly by the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States and IOC, in collaboration with the Division for Ocean Affairs and the Law of the Sea, in New York, in May 2013, on the significance of marine science and technology for small island developing States and the importance of capacity-building and marine technology transfer to them to support sustainable development. The meeting recommended, inter alia, that the collection of data and information, including in areas under the jurisdiction of small island developing States, should be carried out pursuant to the provisions of the United Nations Convention on the Law of the Sea on marine scientific research, including article 244. In addition, it was concluded that article 276 of the Convention should be implemented to allow for a coordinated approach involving global and regional ocean and marine science institutions, including those particular to small island developing States, to enhance support for the capacity-development of those States on marine scientific research and technology and to facilitate the transfer of marine technology to them.[51]

51. *Ocean observing programmes*. In July 2013, the IOC Assembly noted that all sustained ocean observations and services activities of IOC should fall under the framework of the United Nations Convention on the Law of the Sea.[52] In November 2012, the Argo profiling float network collected its one millionth profile of vertical temperature and salinity. Every year, 120,000 new profiles are collected, about one new profile every four minutes.[53] In September 2012, the South Pacific Regional Environment Programme (SPREP) agreed to support Argo float deployment in the Pacific.[54]

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[49] IOC contribution.

[50] See IOC-XXVII/3 prov.Pt.4.

[51] Contribution by the the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States.

[52] See IOC-XXVII/3 prov. Pt.3.

[53] IOC contribution.

[54] See Report of the 23rd SPREP Meeting of Officials, 2012.

52. The governing structures of the Global Oceans Observing System have been aligned with a Framework for Ocean Observing[55] and organized around essential ocean variables, rather than specific observing systems, programmes or regions.

53. *International Oceanographic Data Exchange*. The IOC Assembly endorsed a revised IOC Strategic Plan for Oceanographic Data and Information Management (2013-2016) aimed at modernizing old structures, increasing the focus on standards and best practices, raising the profile of marine information management and the establishment of the International Oceanic Data Exchange (IODE) international coastal Atlas Network project. The IOC Assembly urged the continuation or revitalization of the Ocean Data and Information Networks in all regions.[56]

54. The Ocean Biogeographical Information System, which is part of the IODE programme, now integrates 1,130 datasets and serves 35 million observations of 120,000 marine species. It provides the world's largest global online open-access database on the diversity, distribution and abundance of all known marine life and provides an important baseline against which future change can be measured.[57]

## B. Recent developments in marine technology

55. Autonomous underwater vehicles used for research and exploration are encompassing a greater diversity of platforms and are being applied in more diverse fields. Exploration of resources of the ocean floor, such as metals and methane, is a major part of the sector,[58] although research applications continue to push forward the autonomous remote analysis of more of the oceans and their resources.[59]

56. A recent study of the International Renewable Energy Agency, entitled "International standardization in the field of renewable energy", highlights the value of clear, consistent, internationally accepted standards to ensure the successful deployment of renewable energy technologies. The study further calls for a more structured informational platform to make appropriate standards accessible to a variety of users.[60]

57. In the Western Pacific region, advanced research and development in marine renewable energy technology is expected to be promoted by a working group established in 2012 pursuant to a proposal by an IOC Sub-Commission for the Western Pacific workshop on the status of marine renewable energy technology development in the Western Pacific.[61]

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[55] See IOC/INF-1284, rev.

[56] IOC-XXVII/3 prov. Pt.3.

[57] IOC contribution.

[58] See www.digitalwavepublishing.com/pdfs/NWM/marinetechnologyreporter/201306.

[59] See for example http://pubs.acs.org/doi/abs/10.1021/es4023199. The successful deployment of a deep-sea environmental sample processor proved a significant step towards the autonomous molecular analysis of organisms and genes *in situ* in the deep ocean. See also www.digitalwave publishing.com/pdfs/NWM/marinetechnologyreporter/201305 and www.digitalwave publishing.com/pdfs/NWM/marinetechnologyreporter/201301.

[60] The study is available from www.irena.org/menu/index.aspx?mnu=Subcat&PriMenuID=36& CatID=141&SubcatID=318.

[61] The terms of reference of the working group are available from www.unescobkk.org/westpac/ about-us/westpac-terms-of-reference.

58. Marine renewable energy is also an area of great interest in the United Kingdom of Great Britain and Northern Ireland, which has an installed offshore wind capacity of nearly 3 GW as of 2012. In Asia, China is setting a development target of up to 30 GW by 2020. As highlighted by many States, the challenges with regard to renewable energy, in particular offshore wind energy, include ensuring access to the power grid.[62]

# VIII. Sustainable development of oceans and seas

59. Oceans and seas continue to play a critical role in sustainable development, underpinning a wide range of ecosystem goods and services and providing a source of livelihood for millions of people around the world. However, while an increasing number of measures are being taken to protect and preserve this natural resource base, the individual and cumulative impacts of various human activities in the oceans are increasingly putting at risk the marine ecosystems upon which the economies of many countries depend. Some marine species are moving towards extinction at an ever faster pace, with declines in both populations and distribution.[63] The loss in productivity of marine ecosystems resulting from these trends will hamper efforts to meet development goals, especially those related to poverty eradication, food security and health.

60. The United Nations Convention on the Law of the Sea provides the legal framework for the sustainable development of oceans and seas and their resources. It establishes a delicate balance between the need for economic and social development through the use of the oceans and their resources and the need to protect and preserve the marine environment, and conserve and manage its resources. At the Conference, all parties were urged to fully implement their obligations under the Convention and the United Nations Fish Stocks Agreement.

61. The General Assembly has annually considered the sustainable development of oceans and seas in the context of its resolutions on oceans and the law of the sea and sustainable fisheries and the processes it has established, in particular the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (see para. 145 below). In recognition of the need for better scientific understanding to support decision-making, the Assembly also established a regular process for global reporting and assessment of the state of the marine environment, including socioeconomic aspects (the "Regular Process"; see paras. 65-69 below). It also established the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (the "Ad Hoc Open-ended Informal Working Group") (see para. 81 below).

62. Among the outcomes of the United Nations Conference on Sustainable Development held in 2012 was the launch of a process to develop a set of sustainable development goals based on identified priority areas. The intergovernmental open working group established to make recommendations to that effect will consider the theme of oceans and seas from 3 to 7 February 2014.

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[62] See www.irena.org/DocumentDownloads/Publications/GWEC_WindReport_All_web%20display.pdf.

[63] *The Millennium Development Goals Report, 2013*.

63. The present section sets out recent measures that have been adopted at the global and regional levels in support of the sustainable development of oceans and seas.

## A. Scientific information and assessments to support decision-making

64. There is a need to strengthen the regular scientific assessment of the state of the marine environment in order to enhance the scientific basis for policymaking.[64] Recent measures that have been taken towards that end are described below and in section G.

65. *Regular Process*. The first global integrated assessment of the state of the marine environment (the "World Ocean Assessment") is scheduled to be completed by 2014. The Ad Hoc Working Group of the Whole, which is mandated by the General Assembly to oversee and guide the Regular Process, held its fourth meeting from 22 to 25 April 2013 and provided recommendations to the General Assembly for consideration at its current session (A/68/82, sect. II). The Bureau of the Ad Hoc Working Group of the Whole met in September and November 2012 and March 2013 and adopted guidance for contributors.[65]

66. The website of the Regular Process,[66] which addresses the communication requirements of the Regular Process and facilitates the use of appropriate data handling and information schemes, became operational in January 2013.

67. With the support of IOC and the United Nations Environment Programme (UNEP), workshops were organized in order to support the first cycle of the Regular Process in the United States of America in November 2012, Mozambique in December 2012 and Australia in February 2013.[67] Additional workshops are being planned in Côte d'Ivoire and India in 2013.

68. The General Assembly, in its resolution 67/78, urged Member States to continue to appoint individuals to the pool of experts of the Regular Process through the United Nations regional groups. As at 31 August 2013, there were only 435 experts in the pool of experts. The group of experts expects to need between 1,000 and 1,500 experts. It is therefore crucial for Member States to appoint experts if they have not yet done so.

69. The General Assembly also urged Member States, international financial institutions, donor agencies, intergovernmental organizations, non-governmental organizations and natural and juridical persons to make financial contributions to the fund established for the Regular Process and to make other contributions (see the annex to the present report for information on the status of the fund).

70. *Other forums*. In June 2013, the International Seabed Authority held a workshop for contractors' scientists to assist them in standardizing the taxonomy of megafauna associated with exploration areas. Similar workshops will be held to standardize the taxonomy of macrofauna and meiofauna associated with marine minerals. The Authority's secretariat is also in the process of establishing an

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[64] General Assembly resolution 67/78, para. 218.

[65] A/68/82, annex II.

[66] www.worldoceanassessment.org/.

[67] See A/67/687, A/67/896 and A/67/885, respectively.

environmental information system in support of the environmental management plan for the Clarion-Clipperton Zone.[68]

71. As requested by the Conference of the Parties to the Convention on Biological Diversity, the summary reports on the description of areas that meet the criteria for ecologically or biologically significant marine areas were submitted to the General Assembly through a letter dated 19 March 2013 from the Executive Secretary of the Convention to the Secretary-General.[69]

## B. Conservation and management of marine living resources

72. The overarching legal regime for the conservation and management of marine living resources within areas under national jurisdiction and on the high seas is set out in the United Nations Convention on the Law of the Sea. It also contains specific provisions relating to straddling fish stocks and highly migratory fish stocks, which are further elaborated in the 1995 Fish Stocks Agreement. The tenth round of the Informal Consultations of States Parties to the Agreement will be held in 2014. Among the matters to be considered will be preparations for the Review Conference on the United Nations Fish Stocks Agreement, which is to be resumed at a date not earlier than 2015.

73. Over the past year, activities aimed at enhancing the conservation and management of marine fishery resources have continued to focus, in particular, on enhancing flag State implementation and enforcement. Many activities have also been undertaken pursuant to General Assembly resolution 67/79.

74. *Sustainable fisheries*. The Food and Agriculture Organization of the United Nations (FAO) continues to develop its programme for deep-sea high seas fisheries in support of the implementation of the 2008 FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas. The programme includes a project supported by the Global Environment Facility (GEF) on sustainable fisheries management and biodiversity conservation of deep-sea living marine resources and ecosystems in areas beyond national jurisdiction. Particular work has been done on gathering best practices and assisting with capacity-development and knowledge-sharing on the protection of vulnerable marine ecosystems. FAO also hosted a technical consultation in May 2013, to be resumed in early 2014, to develop international guidelines for securing sustainable small-scale fisheries.[70]

75. The Helsinki Commission reported on the Managing Fisheries in Baltic Marine Protected Areas (BALTFIMPA) project,[71] created to produce a generic tool to assist in fisheries management decisions, including by studying the impacts of fisheries and finding new solutions to mitigate these impacts.[72]

76. The Organization for Economic Cooperation and Development (OECD) *Review of Fisheries: Country Statistics 2012* contains statistics on fisheries and aquaculture in OECD countries from 2003 to 2010, including information on government financial transfers, total allowable catches, landings, employment, fleet

[68] See ISBA/19/A/2.
[69] A/67/838.
[70] FAO contribution.
[71] www.helcom.fi/projects/on_going/en_GB/BALTFIMPA/.
[72] Helsinki Commission contribution.

capacity and aquaculture production.[73] OECD reported that its Council recently adopted a recommendation that identifies principles and practices for fisheries rebuilding.

77. *Compliance and enforcement*. The FAO Technical Consultation on Flag State Performance, held in February 2013, agreed on voluntary guidelines for flag state performance, which will be presented to the Committee on Fisheries at its thirty-first session, in 2014, for endorsement.[74] FAO has convened a number of workshops with partners to develop a prototype version of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels and to focus on capacity-building for the national and regional vessel registers. In addition, FAO is working with IMO on the non-mandatory application of the IMO Ship Identification Numbering Scheme to fishing vessels of 100 gross tonnage and above.[75] FAO also reported that it had released the Fishing Vessels Finder portal[76] in October 2012 to enable global search of data on fishing in the high seas.[77]

78. With regard to port State measures, FAO has continued to develop its programme to support implementation of the 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. The programme activities are aimed at facilitating the entry into force of the Agreement, to ensure its international acceptance, contribute to the development of national capacity to maximize benefits available through the Agreement and to promote bilateral, subregional and regional coordination. In preparing for the entry into force of the Agreement, FAO also continued its global series of regional capacity-development workshops.[78]

79. In February 2013, the first International Criminal Police Organization (INTERPOL) International Fisheries Enforcement Conference launched Project SCALE, an initiative to detect, combat and suppress fisheries crime and improve the exchange of fisheries enforcement information and intelligence between countries. It also established a permanent INTERPOL Fisheries Crime Working Group.[79]

## C. Conservation and sustainable use of marine biodiversity

80. A range of measures is under discussion to address the conservation and sustainable use of marine biodiversity and increased steps are also being taken towards adopting necessary measures. However, cross-sectoral coordination to address cumulative impacts on marine biodiversity in an effective manner still appears to be a challenge. The role of the General Assembly in providing global policy guidance and a harmonizing framework to ensure coordination is thus critical, in particular as regards marine biodiversity beyond areas of national jurisdiction.

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[73] OECD contribution.

[74] FAO contribution. See the draft report of the Technical Consultation on Flag State Performance and the adopted Voluntary Guidelines for Flag State Performance at www.fao.org/fishery/nems/40262/en.

[75] FAO contribution.

[76] www.fao.org/fishery/collection/fvf/en.

[77] FAO contribution.

[78] Ibid.

[79] See www.interpol.int/Crime-areas/Environmental-crime/Conferences-and-meetings/Meetings/1st-INTERPOL-International-Fisheries-Enforcement-Conference.

81. In accordance with General Assembly resolution 67/78, two intersessional workshops were convened on 2 and 3 May and 6 and 7 May 2013, with a view to improving understanding of the issues and clarifying key questions as an input to the work of the Ad Hoc Open-ended Informal Working Group. The workshops considered, respectively, marine genetic resources, and conservation and management tools, including area-based management and environmental impact assessments.[80] The Ad Hoc Open-ended Informal Working Group held its sixth meeting from 19 to 23 August 2013 and formulated recommendations for consideration by the General Assembly at its sixty-eighth session.[81]

82. In October 2012, the Conference of the Parties to the Convention on Biological Diversity adopted a number of decisions on, or of relevance to, marine and coastal biodiversity.[82] Marine and coastal biodiversity was also one of the main themes of the high-level segment of the Conference of the Parties.[83]

83. At the 2012 International Union for Conservation of Nature (IUCN) World Conservation Congress in September 2012, IUCN members adopted a number of resolutions and recommendations related to the conservation and sustainable use of marine diversity, including in areas beyond national jurisdiction.[84]

### 1. Measures for specific ecosystems and species

84. Meeting the growing challenge of the impacts of climate change on specific ecosystems, including coral reefs, will require significant investment to increase capacity for the effective management of various stressors. The Conference of the Parties to the Convention on Biological Diversity, in 2012, recognized the need for managers of coral ecosystems to formulate adaptation strategies. Proposals to update the specific workplan on coral bleaching will be considered by the Subsidiary Body on Scientific, Technical and Technological Advice prior to the twelfth meeting of the Conference of the Parties, in 2014.[85]

85. Other measures taken to protect specific ecosystems and species include the addition of a number of coastal areas, including as transboundary Ramsar sites, to the Ramsar List of Wetlands of International Importance;[86] and the addition of a number of marine species, including five shark species and manta rays, in the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). In March 2013, the Conference of the Parties to CITES also adopted decisions on chartering and capacity-building and special requirements of developing States, which should assist the implementation of the CITES provisions on introduction from the sea.[87] At its 2013 meeting, the Scientific Committee of the International Whaling Commission decided to monitor and review developments in marine renewable energy and their impacts on cetaceans.

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[80] See A/AC.276/6.

[81] See A/68/399, annex.

[82] These include decisions XI/3, XI/14, XI/15, XI/17, XI/18, XI/20 and XI/24. See UNEP/CBD/COP/11/35, annex I.

[83] Ibid., annex II.

[84] See IUCN, *Resolutions and Recommendations, World Conservation Congress, Jeju, Republic of Korea, 6-15 September 2012* (2012, Gland, IUCN).

[85] Decision XI/18. See UNEP/CBD/COP/11/35, annex I.

[86] See www.ramsar.org/pdf/sitelist_order.pdf.

[87] Decisions of the Conference of the Parties to CITES in effect after its 16th meeting (3-14 March 2013).

86. Regional measures to address specific threats to marine species have included the adoption of conservation plans for shark species and porpoises under the umbrella of the Convention on Migratory Species of Wild Animals[88] as well as cross-sectoral cooperative activities in relation to cetaceans in the Pacific Islands region,[89] and dugongs throughout their range.[90] Measures to address the impacts of chemical pollution on small cetaceans of the Baltic, North East Atlantic, Irish and North Seas were also agreed upon.[91]

### 2. Marine genetic resources

87. Recent developments and the outcome of recent research related to marine genetic resources, including regarding their social, economic, environmental and commercial potential, were presented at the Intersessional Workshop on Marine Genetic Resources in May 2013, with a view to improving understanding of the issues and clarifying key questions as an input to the work of the Ad Hoc Open-ended Informal Working Group[92] (see para. 81 above).

88. As regards developments in other forums, it can be noted that the General Assembly of the World Intellectual Property Organization will consider, in September 2013, a consolidated document relating to intellectual property and genetic resources.[93] In April 2013, the Commission on Genetic Resources for Food and Agriculture, in recognition of the central role of the General Assembly of the United Nations in addressing issues relating to the conservation and sustainable use of biodiversity beyond areas of national jurisdiction, decided that the scope of the FAO report on *The State of the World's Aquatic Genetic Resources for Food and Agriculture* would be farmed aquatic species and their wild relatives within national jurisdiction.[94]

89. Many States are in the process of adopting and/or revising their measures on access and benefit-sharing with regard to marine genetic resources within national jurisdiction in anticipation of their ratification of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization.[95] In 2014, the third meeting of the Intergovernmental Committee for the Protocol will further consider issues related to article 10 of the Protocol on a global multilateral benefit-sharing mechanism, on the basis of the outcome of an expert meeting to be held in September 2013.

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[88] Contribution of the Convention Secretariat. See also CMS/Sharks/MOS1/Report. See also Report of the Seventh Meeting of the Parties to the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas, 22-24 October 2012.

[89] CMS/PIC/MoS3/Report.

[90] Report of the Second Signatory State Meeting of the Memorandum of Understanding on the Conservation and Management of Dugongs and their Habitats throughout their Range.

[91] Report of the Seventh Meeting of the Parties to the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas, 22-24 October 2012.

[92] The presentations made at the workshop are available from www.un.org/depts/los/biodiversityworkinggroup/intersessional_workshop_2013.htm.

[93] WIPO/GRTKF/IC/25/5.

[94] CGRFA-14/13/Report, paras. 75 and 76.

[95] See www.cbd.int/abs/progress/default.shtml.

## D. Pressures on the marine environment

### 1. Environmental impact assessments

90. The United Nations Convention on the Law of the Sea requires that the risks or effects of pollution of the marine environment be observed, measured, evaluated and analysed by recognized scientific methods, as well as requiring the publication of reports of the results obtained. A number of global forums continue to work towards the development of practical guidance for the implementation of environmental impact assessments at the global level. In particular, the topic of environmental impact assessments was one of those considered at the intersessional workshop on conservation and management tools (see para. 81 above).

91. In October 2012, the Conference of the Parties to the Convention on Biological Diversity took note of voluntary guidelines for the consideration of biodiversity in environmental impact assessments and strategic environmental assessments annotated specifically for biodiversity in marine and coastal areas, emphasizing that the guidelines were without prejudice to the ongoing consideration of marine biodiversity by the General Assembly processes, in particular the Ad Hoc Open-ended Informal Working Group.[96]

92. At its meeting in July 2013, the Legal and Technical Commission of the International Seabed Authority adopted recommendations for the guidance of contractors for the assessment of the possible environmental impact assessments arising from exploration for marine minerals in the Area.[97]

### 2. Degradation of the marine environment from various sources and activities

93. During the period under review, the international community has continued to focus on measures to respond effectively to the main sources of pollution and activities that adversely affect the marine environment. A brief overview of mainly global measures is presented below, while regional measures are mainly presented in paragraphs 115 to 127.

94. *Land-based sources and marine debris*. On 19 January 2013, Governments agreed to the text of a global legally binding instrument on mercury, the Minamata Convention on Mercury, which is scheduled to be adopted and opened for signature in Japan in October 2013.

95. In line with the Manila Declaration on Furthering the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities, recent efforts to implement the Global Programme of Action have focused primarily on addressing three pollution source categories, namely nutrients, marine litter and wastewater, through the establishment and management of global multistakeholder partnerships. UNEP and the Government of Jamaica will organize the Second Global Conference on Land-Ocean Connections, in October 2013, in order to identify approaches to address current and emerging issues in the marine and coastal sector, with a focus on the three priority source categories of the Global Programme of Action for the period 2012-2016.

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[96] Decision XI/18. See UNEP/CBD/COP/11/35, annex I.

[97] ISBA/19/LTC/8.

96. *Shipping activities*. In May 2013, IMO adopted, among other measures, amendments to annexes I and II to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto to make the Code for Recognized Organizations mandatory (see also para. 21 above). It also revised its guidance with respect to the implementation of annex V.[98] Furthermore, IMO continued its work on pollution from ships in polar areas.[99] For developments at the regional level see paras. 115, 119, 124 and 125 below.

97. IMO granted basic approval to five, and final approval to three, ballast water management systems that make use of Active Substances.[100] The GEF-UNDP-IMO GloBallast Partnerships programme continued to build developing-country capacity to comply with the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, and to stimulate investment in ballast water treatment technologies.

98. *Ship recycling*. In October 2012, IMO adopted the final two sets of guidelines referred to in the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, for the survey and certification of ships and for the inspection of ships under that instrument, respectively.[101]

99. *Ocean noise*. While, during the reporting period, no additional scientific studies on the impacts of ocean noise on marine living resources were received by the Division for Ocean Affairs and the Law of the Sea pursuant to paragraph 107 of General Assembly resolution 61/222, a number of forums, on a sectoral basis, continue to encourage increased research to address the impacts of ocean noise or the adoption of noise-reduction measures. For example, an expert workshop will be convened by the Secretariat of the Convention on Biological Diversity with a view to, inter alia, developing practical guidance and toolkits to minimize and mitigate the significant adverse impacts of anthropogenic underwater noise.[102] The effects of anthropogenic sound on cetaceans and approaches to mitigate those effects were identified as priorities for the Scientific Committee of the International Whaling Commission in 2014. At its session in 2013, the Committee encouraged time/area closures and new quieting technologies to address noise pollution. It also encouraged further scientific investigations to better understand the effects of sound on cetaceans and their habitats, as well as the effectiveness of mitigation measures.[103] Draft guidelines on available options for ship-quieting technologies and operational practices will be considered by IMO in 2014.[104] At the regional level, underwater noise was also identified as a priority by the Meeting of the Parties to the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas, held in October 2012.[105]

100. *Disposal of wastes*. The Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the London Convention) and to the 1996 Protocol (the London Protocol) will meet in

[98] See IMO document MEPC 65/22.
[99] Ibid.
[100] See IMO document MEPC 64/23.
[101] IMO contribution.
[102] See decision XI/18 of the Conference of the Parties to the Convention on Biological Diversity.
[103] See report of the Scientific Committee, annual meeting 2013.
[104] See IMO document DE 57/25.
[105] See report of the Seventh Meeting of the Parties to the Agreement, 22-24 October 2012.

October 2013 to consider, inter alia, a document prepared by the International Atomic Energy Agency regarding a radiological assessment procedure for determining the suitability of material for disposal at sea, as well as other issues (see paras. 136 and 137 below).

101. *Transboundary movement of wastes*. The Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal adopted a framework for the environmentally sound management of hazardous wastes and other wastes, and agreed to develop, over the next two years, technical guidelines on transboundary movements of electronic and electrical wastes (e-waste).[106]

## E. Management tools

102. Progress continues to be made in the development and application of various tools to manage the impacts of human activities on marine ecosystems. In some cases, consideration is being given to the need to evaluate the effectiveness of the tools in use.

### 1. Integrated and ecosystem approaches

103. The Secretariat of the Convention on Biological Diversity will develop a web-based information-sharing system linking existing sources of information on marine spatial planning and will convene an expert workshop to provide consolidated practical guidance and a toolkit for marine spatial planning, building upon existing guidance.[107] IOC developed technical guidance on marine spatial planning and will publish a new guide in 2013, which will expand guidance on the practice of implementing monitoring and evaluation of marine spatial planning initiatives.[108]

104. FAO continues to support the practical implementation of the ecosystem approach to fisheries management at the national and regional levels, including through the development of management plans in the context of the Caribbean Large Marine Ecosystem project and the Canary Current Large Marine Ecosystem project, training courses in the context of the Bay of Bengal Large Marine Ecosystem project and the Mediterranean Large Marine Ecosystem project, the development of a toolbox,[109] and the collection of data and information on marine resources and the marine environment in several countries in sub-Saharan Africa through the Nansen Project. FAO also plays a leading role in the iMarine initiative, which develops data infrastructure for data sharing and multidisciplinary collaborative science in support of policy development and implementation towards the ecosystem approach to fisheries management and conservation of living marine resources.[110]

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[106] See http://synergies.pops.int/Implementation/MediaResources/PressReleases/ExtraordinaryUNConferenceTakesHistoricStrides/tabid/3226/language/en-US/Default.aspx.

[107] See UNEP/CBD/COP/11/35, annex I, decision XI/17.

[108] See IOC-XXVII/2 Annex 1.

[109] See http://www.fao.org/fishery/eaf-net/en.

[110] FAO contribution.

### 2. Area-based management tools

105. Efforts are continuing in all regions of the world to establish marine protected areas, ranging from areas with full protection to areas where activities are allowed and regulated. Of the 9,603 marine protected areas included in the World Database on Protected Areas, 493 are in Africa, 3,022 in North, Central and South America, 1,808 in Asia, 3,162 in Europe and 1,052 in Oceania,[111] marking a steady increase in all regions.

106. The Convention for the protection of the Marine Environment of the North-East Atlantic (OSPAR) Network of Marine Protected Areas has increased to 5 per cent of the total OSPAR maritime area, both within and beyond areas of national jurisdiction.[112] In June 2013, the OSPAR Commission endorsed terms of reference for a workshop to develop suitable procedures to assess, by 2016, whether the OSPAR Network is well managed.[113] The OSPAR Commission and the North East Atlantic Fisheries Commission developed a draft "collective arrangement" to set out how cooperation and coordination can take place in areas beyond national jurisdiction. They are also collaborating on the development of proposals for areas within the North-East Atlantic, beyond 200 nautical miles, that meet the Convention on Biological Diversity scientific criteria for ecologically or biologically significant marine areas.[114]

107. Marine protected areas in East Antarctica and the Ross Sea region, as well as under ice shelves, glaciers and ice tongues, are under consideration within the framework of the Commission for the Conservation of Antarctic Marine Living Resources.[115]

108. In October 2012, IMO designated the Saba Bank, in the north-eastern Caribbean area of the Kingdom of the Netherlands, as a particularly sensitive sea area.[116] IMO considered the need to evaluate the effectiveness of particularly sensitive sea areas and the associated protective measures in the light of the guidelines[117] concerning particularly sensitive sea areas.

109. In May 2013, several coastal and marine sites were added to the World Network of Biosphere Reserves by the International Coordinating Council of the UNESCO Man and the Biosphere Programme.[118]

## F. Liability and compensation

110. While large oil pollution incidents have decreased both in number and in size over recent decades, the potential threat of environmental damage and economic

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[111] World Database of Marine Protected Areas at www.protectedplanet.net.

[112] At its meeting in June 2013, the OSPAR Commission endorsed a report on marine protected areas for publication, with the inclusion of a reservation from Denmark regarding the proposed area in the Hatton Bank which fell within the proposed outer limits of the Kingdom of Denmark in relation to the Faroe-Rockall Plateau as submitted to the Commission on the Limits of the Continental Shelf. See OSPAR 13/21/1-E.

[113] OSPAR 13/21/1-E.

[114] OSPAR contribution.

[115] See document CCAMLR-XXXI.

[116] See IMO document MEPC 64/23.

[117] See IMO document MEPC 65/22.

[118] See www.unesco.org/new/en/media-services/multimedia/photos/mab-2013.

loss, and the significant clean-up costs associated with the carriage of oil remain a matter of concern, in particular for coastal developing countries and small island developing States with economies heavily dependent on income from fisheries and tourism. In that regard, it is noteworthy that a considerable number of coastal States, including developing countries, are not yet parties to the existing instruments for liability and compensation in relation to ship-based pollution.[119]

111. In order to facilitate the entry into force and implementation of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, as amended by the Protocol of 2010 thereto, IMO endorsed a set of guidelines for reporting contributing cargo in April 2013.[120]

112. Efforts are also continuing to facilitate the processing of claims for compensation in the context of the International Oil Pollution Compensation Funds, which continue to be seized of 12 incidents.[121]

113. While most of the attention has been focused on liability and compensation for oil pollution damage from ships, it can be noted that IMO is currently also considering issues related to liability and compensation for transboundary pollution damage resulting from offshore oil exploration and exploitation activities.[122]

114. As regards liability in the event of a nuclear accident or incident during the transport of radioactive material, the IAEA General Conference, at its fifty-sixth session, in its resolution GC(56)/RES/9 on measures to strengthen international cooperation in nuclear, radiation, transport and waste safety, stressed the importance of having effective liability mechanisms in place to ensure prompt compensation for damage to people, property and the environment as well as actual economic loss due to a radiological accident or incident during the transport of radioactive material, including maritime transport, and noted the application of the principles of nuclear liability, including strict liability.[123]

## G. Major trends in regional cooperation

115. Although a wide range of topics continued to be addressed through regional cooperation, issues such as the impacts of climate change, marine litter, land-based sources of pollution and assessments of the state of the marine environment were points of focus in several regions. For example, in the north-west Pacific, States focused on the implementation of the Regional Action Plan on Marine Litter.[124]

116. At the Global Meeting of the Regional Seas Conventions and Action Plans in October 2012, the following strategic directions were considered for the period

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[119] United Nations Conference on Trade and Development, *Liability and Compensation for Ship-Source Oil Pollution: An Overview of the International Legal Framework for Oil Pollution Damage from Tankers, Studies in Transport Law and Policy — 2012 No. 1* (UNCTAD/DTL/TLB/2011/4).

[120] See IMO document LEG 100/14.

[121] See 2012 Annual Report of the International Oil Pollution Compensation Funds. See also IOPC/APR13/8/1.

[122] See IMO document LEG 100/14.

[123] See IAEA document GC(56)/RES/DEC(2012).

[124] See UNEP/NOWPAP IG. 17/9.

2013-2016: the effective application of an ecosystem approach; the implementation of the Manila Declaration on the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities; the strengthening of capacities at the national level; the provision of tools to decouple economic growth from environmental pressures; the strengthening of cooperation to contribute to the World Oceans Assessment (see paras. 65-69 above); and the strengthening of collaborative mechanisms to address common regional objectives.[125]

117. *Africa.* The report of UNEP and GRID-Arendal on the "Sustainable seas" pilot workshop, held in November 2012, identified needs and priorities for the development of a full-scale sustainable seas programme in the area covered by the Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region.[126] UNDP supported efforts towards establishing a permanent regional institutional mechanism for the Guinea Current large marine ecosystem and supported national and regional marine assessments in nine countries of the Agulhas/Somali Current large marine ecosystem.[127]

118. *Antarctic.* In May 2013, the Antarctic Treaty Consultative Meeting decided to develop a prioritized climate change response workplan, and adopted revised management plans for several Antarctic specially protected areas, some of which include marine areas.[128]

119. *Arctic.* The Kiruna Ministerial Declaration, adopted in May 2013, sets out the work of the Arctic Council for the period from 2013 to 2015, and outlines the joint vision of the Arctic States and the indigenous Permanent Participants for the development of the region. Arctic Council States also signed a new Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic.[129] As a sign of increasing cooperation in the area, China, India, Italy, Japan, the Republic of Korea and Singapore were welcomed to the Arctic Council as observer States, bringing the total number of such States to 12. Regional assessments of the marine environment included the Arctic Biodiversity Assessment, the Arctic Ocean Review and the Arctic Ocean Acidification Assessment.[130]

120. *Baltic Sea.* At the Helsinki Commission Ministerial Meeting in October 2013, parties are expected to evaluate progress in the implementation of the Baltic Sea Action Plan and consider the second Baltic Sea Experiment (BALTEX) Assessment of Climate Change for the Baltic Sea Basin. A recently concluded checklist of macrospecies contains all Baltic Sea species visible to the human eye.[131]

121. *Mediterranean Sea.* The State of the Mediterranean Marine and Coastal Environment report, launched in January 2013, provides a synthesis of available

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[125] See UNEP (DEPI)RS.14/WP.11.RS.

[126] NEPAD contribution.

[127] UNDP contribution.

[128] See http://ats.aq/documents/ATCM36/ww/atcm36_ww003_e.pdf.

[129] See www.arctic-council.org/index.php/en/document-archive/category/425-main-documents-from-kiruna-ministerial-meeting.

[130] See www.arcticbiodiversity.is; http://pame.is/images/PAME_Ministerial_2013/AOR_final_report_15_May_2013.pdf; and www.amap.no/documents/doc/amap-arctic-ocean-acidification-assessment-summary-for-policy-makers/808.

[131] Helsinki Commission contribution. See also www.helcom.fi/stc/files/Projects/RedList/BSEP130.pdf and www.helcom.fi/projects/on_going/en_GB/RedLists/.

knowledge about major drivers and pressures affecting the Mediterranean, environmental conditions, the current and prospective impacts of human activities and emerging issues in coastal and marine management in the region.[132] In June 2013, the Mediterranean Commission on Sustainable Development agreed to revise the Mediterranean Strategy for Sustainable Development to incorporate the outcomes of the 2012 United Nations Conference on Sustainable Development.[133]

122. *North-East Atlantic.* The OSPAR Commission finalized measures to further protect and conserve 23 species and habitats whose status has been classified by the Commission as threatened and/or declining. The regional coordination of the European Union's Marine Strategy Framework Directive was another key area of the Commission's work[134] (see also para. 106 above).

123. *Pacific.* In September 2012, SPREP endorsed revised Marine Species Action Plans for the period 2013-2017 and a Regional E-Waste Strategy and Action Plan (see also para. 51 above). It further considered its ongoing work to address waste management, adapt to climate change and access climate change financing, and develop a framework for regional state of the environment assessment and reporting.[135]

124. *Red Sea and Gulf of Aden.* In April 2013, two regional memorandums of understanding, on port state control and on cooperation in fisheries management, and two new regional strategies, for ballast water management and for the reduction of unintentional emission of persistent organic compounds in the coastal zone, were adopted by the Ministerial Council of the Regional Organization for the Conservation of the Red Sea and Gulf of Aden.[136]

125. *Wider Caribbean.* The UNEP Caribbean Environment Programme (UNEP-CEP), the International Coral Reef Initiative and other Caribbean counterparts developed a manual on the control and management of lionfish. In collaboration with IMO, the UNEP-CEP also continued to provide support to countries of the wider Caribbean region to meet their obligations under the Protocol concerning Cooperation in Combating Oil Spills in the Wider Caribbean Region to the Cartagena Convention, annex V to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and other related IMO instruments[137] (see also para. 139 below).

126. The Secretariat of the Cartagena Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region and UNEP-CEP have supported the management of marine protected area projects in eight small island developing States and completed baseline assessments in 13 countries to determine policy, legislative, capacity-building and training needs for effective wastewater management.[138]

127. In May 2013, at the summit of Caribbean Political and Business Leaders, the second phase of the Caribbean Challenge Initiative was launched to accelerate

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[132] See http://195.97.36.231/publications/SoMMCER.pdf.
[133] See www.unepmap.org/index.php?module=news&action=detail&id=133.
[134] OSPAR contribution.
[135] See report of the Twenty-third SPREP Meeting of Officials (2012).
[136] See www.persga.org/calender.php?id=101.
[137] UNEP-CEP contribution.
[138] Ibid.

marine conservation action in the Caribbean. A Leaders Declaration and a Corporate Compact were signed by eight Governments and 15 companies, respectively. A Summit communiqué highlighted new issues for further action, including the protection of sharks and rays across the Caribbean region, and alternative energy.[139]

# IX. Small island developing States

128. The vast ocean spaces within which many small island developing States are located and the marine resources that they contain benefit not only those States but also the wider global community. The report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, entitled "A new global partnership: eradicate poverty and transform economies through sustainable development", it is noted that poor management of the oceans could have particularly adverse impacts for small island developing States. Healthy oceans and seas are thus crucial to their survival. Their role as custodians of vast oceans consequently requires financial and technical support from the international community.[140] Since the previous report, an increasing number of events focusing on small island developing States in view of their unique and particular vulnerabilities have taken place or are planned. For example, on 21 May 2013, an event was held on strengthening partnerships towards disaster risk reduction for small island developing States[141] (see also paras. 49 and 50 above).

129. In recognition of the importance of coordinated, balanced and integrated action to address sustainable development challenges facing small island developing States, the topic of oceans, among others, is expected to figure prominently at the Third International Conference on Small Island Developing States, to be held in Apia, Samoa, from 1 to 4 September 2014. In preparation for the Conference, national preparatory meetings are being convened. In addition, three regional meetings were held in July 2013 and fed into an interregional meeting held in August 2013 in Barbados.[142]

130. In August 2012, Pacific Island Leaders agreed that, as "Large Ocean Island States", Forum Island Countries have a leading role to play in management of the Pacific Ocean. The Pacific Island Leaders' aspirations to maximize sustainable economic returns for Forum Members from ocean resources, including fisheries and seabed minerals, in accordance with the precautionary approach, were recognized.[143]

131. Among recent national initiatives has been the launch of a multi-stakeholder dialogue on ocean economy by the Government of Mauritius in July 2013, with a view to developing the ocean sector as one of the major pillars of the economy of Mauritius while ensuring that ocean resources are used in a sustainable manner.[144]

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[139] Contribution of the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States.

[140] Ibid.

[141] See www.preventionweb.net/globalplatform/2013/programme/featuredevents/view/482 and www.un.org/News/Press/docs/2013/iha1316.doc.htm.

[142] Contribution of the Department of Economic and Social Affairs.

[143] Ibid.

[144] See www.investmauritius.com/oceaneconomy/.

# X. Climate change and oceans

132. Coastal communities are particularly affected by the adverse impacts of climate change on the oceans, such as sea-level rise, coastal erosion and extreme weather events, which threaten food security and global efforts to eradicate poverty and achieve sustainable development, especially in developing countries. Small island developing States are reliant on marine ecosystems and resources and are, therefore, especially vulnerable to the adverse impacts of climate change on the oceans.

133. In the face of these threats, greater efforts are needed for a better scientific understanding of the impacts of climate change on the oceans and of how to reduce the vulnerability of coastal communities. For example, recent research results indicate that salmon stocks in the North Atlantic have been affected by changing environmental conditions at sea, with climate change effects cascading through marine trophic levels and affecting salmon.[145]

## A. Mitigating the impacts of climate change

134. *Greenhouse gas emissions.* Greenhouse gas emissions from shipping, estimated in 2007 at about 2.7 per cent of global $CO_2$ emissions, are expected to increase in the future. In May 2013, IMO agreed to initiate a study to update estimates of greenhouse gas emission from shipping, to be completed by March 2014.[146] New requirements mandating the Energy Efficiency Design Index for new ships and the Ship Energy Efficiency Management Plan for all ships entered into force on 1 January 2013. During the reporting period, IMO continued the development of technical and operational measures relating to energy-efficiency measures for ships.[147] IMO has been requested to provide technical assistance to enable cooperation in the transfer of energy efficient technologies to developing countries.[148]

135. FAO has been conducting workshops on the possible contributions of the fishing industry to climate change and ways to reduce the sector's reliance on, and consumption of, fossil fuels.[149] In March 2013, a workshop discussed the potential for reducing greenhouse gas emissions through changes in technology and practices, and the impacts of such changes. Follow-up activities to support efforts to mitigate greenhouse gas emissions in capture fisheries and aquaculture are under way and include the publication of a manual on fuel savings for small fishing vessels.[150]

136. *Ocean fertilization.* A proposal to amend the Protocol to the Convention on the Prevention of Marine Pollution by the Dumping of Wastes and Other Matter (the London Convention) with the aim of regulating marine geo-engineering activities, including ocean fertilization, will be considered by the contracting parties to the London Convention and its Protocol in October 2013.[151] In November 2012, the

[145] Contribution of the North Atlantic Salmon Conservation Organization.
[146] See IMO document MEPC 65/22.
[147] IMO contribution. See IMO documents MEPC 64/23 and MEPC 65/22.
[148] See IMO document MEPC 65/22.
[149] FAO contribution.
[150] Oyvind Gulbrandsen, *Fuel Savings for Small Fishing Vessels — A Manual* (Rome, FAO, 2013).
[151] IMO contribution. See IMO document LC 34/15.

Contracting Parties issued a statement to express grave concern over deliberate ocean fertilization activity reported to have taken place off the west coast of Canada in 2012.[152]

137. *Carbon sequestration.* In November 2012, the contracting parties to the London Protocol adopted revised Specific Guidelines for Assessment of Carbon Dioxide Streams for Disposal into Sub-seabed Geological Formations to take into account transboundary migration of carbon dioxide waste streams within such formations after injection. The parties considered a draft text for the development and implementation of arrangements or agreements for the export of carbon dioxide streams for storage in sub-seabed geological formations.[153]

## B. Adapting to the impacts of climate change

138. In the light of the projected impacts of climate change, adaptation represents an immediate and urgent global priority.[154] In that regard, FAO is chairing the Global Partnership on Climate, Fisheries and Aquaculture, a voluntary global initiative to, inter alia, develop effective tools and management approaches and build international support.[155] The FAO secretariat is giving priority to identifying and reducing the vulnerability of fisheries and aquaculture systems by improving the resilience and adaptability of the fisheries and aquaculture sectors to shocks, climate change, ocean acidification and natural disasters. Its activities aimed at supporting policy, legal and implementation frameworks to mainstream climate change issues into fisheries and aquaculture management; reinforce capacity to address climate change issues; plan for adaptation and mitigation within the fisheries and aquaculture sectors; and integrate fisheries and aquaculture into national climate change adaptation and mitigation plans and enabling financial mechanisms.[156]

139. UNEP-CEP continued to support efforts to increase resilience and reduce the vulnerability of coastal areas and small island developing States to the impacts of climate change. The European Union funded activities for the protection and development of coastal ecosystems, through the climate change adaptation and disaster risk reduction project in Jamaica. The activities included the replanting of mangroves in degraded coastal regions, the restoration of seagrass beds and areas, and designing and implementing climate change awareness campaigns.[157]

# XI. Settlement of disputes

140. Mechanisms for the peaceful settlement of law of the sea-related disputes are provided for in the Charter of the United Nations and in the United Nations Convention on the Law of the Sea.

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[152] See IMO document LC 34/15, annex 7.
[153] IMO contribution. See IMO document LC 34/15.
[154] See General Assembly resolution 66/288, annex.
[155] FAO contribution.
[156] Ibid.
[157] UNEP contribution.

141. On 19 November 2012, the International Court of Justice rendered its Judgment in the case concerning the *Territorial and Maritime Dispute* (Nicaragua v. Colombia). The Court found that Colombia had sovereignty over the maritime features in dispute and drew a single maritime boundary delimiting the continental shelf and the exclusive economic zones of Nicaragua and Colombia.[158] As at 31 August 2013, the Court had two other cases related to the law of the sea on its docket, namely *Maritime Dispute* (Peru v. Chile) and *Whaling in the Antarctic* (Australia v. Japan: New Zealand intervening).

142. During the reporting period, the International Tribunal for the Law of the Sea handled four cases: Case No. 18, *The M/V "Louisa" Case* (Saint Vincent and the Grenadines v. Kingdom of Spain); Case No. 19, *The M/V "Virginia G" Case* (Panama v. Guinea-Bissau); Case No. 20, *The "ARA Libertad" Case* (Argentina v. Ghana); and Case No. 21, *Request for an advisory opinion submitted by the Sub-Regional Fisheries Commission*.[159] After rendering judgments in Cases No. 18[160] and No. 20,[161] the Tribunal, as at 31 August 2013, had two cases on its docket, Cases No. 19[162] and No. 21.[163]

143. The list of experts in the field of marine scientific research for use in special arbitration under annex VIII to the United Nations Convention on the Law of the Sea that is maintained by IOC was updated on 27 November 2012,[164] and the list maintained by IMO was updated on 5 July 2013.[165]

# XII. International cooperation and coordination

144. The United Nations Convention on the Law of the Sea is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, as recognized by the General Assembly. In the light of the fact that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach, the General Assembly has consistently reaffirmed the need to improve cooperation and coordination at the national, regional and global levels, in accordance with the Convention, in order to support and supplement the efforts of each State in promoting the implementation and observance of the Convention, and the integrated management and sustainable development of the oceans and seas. In that regard, it is essential to make full use of all available mechanisms aimed at facilitating cooperation and coordination, such as the Consultative Process and UN-Oceans.

145. The Consultative Process was established by the General Assembly, consistent with the legal framework provided by the United Nations Convention on the Law of the Sea and the goals of chapter 17 of Agenda 21, in order to facilitate the annual review by the General Assembly, in an effective and constructive manner, of developments in ocean affairs and the law of the sea, including by suggesting

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[158] See www.icj-cij.org/docket/index.php?p1=3&p2=3&case=124.
[159] See SPLOS/256 and SPLOS/263.
[160] See www.itlos.org/index.php?id=147.
[161] See www.itlos.org/index.php?id=222.
[162] See www.itlos.org/index.php?id=171.
[163] See www.itlos.org/index.php?id=252.
[164] See www.un.org/depts/los/settlement_of_disputes/expertsunclosVIIImay2011iocunesco.pdf.
[165] See www.un.org/Depts/los/settlement_of_disputes/expertsunclosVIIIimo.pdf.

particular issues to be considered by it, with an emphasis on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced.[166] In resolution 67/78, the General Assembly, inter alia, recognized the primary role of the Consultative Process in integrating knowledge, the exchange of opinions among multiple stakeholders and coordination among competent agencies, and enhancing awareness of topics, including emerging issues, while promoting the three pillars of sustainable development. The Assembly decided to continue the Consultative Process for two additional years, and to further review its effectiveness and utility at its sixty-ninth session.[167] The Consultative Process, at its fourteenth meeting, in June 2013, focused its discussions on the impacts of ocean acidification on the marine environment.[168]

146. The inter-agency coordination mechanism on ocean and coastal issues within the United Nations system, UN-Oceans, has continued to work on its draft terms of reference, as requested by the General Assembly in resolution 67/78. In that context, UN-Oceans has undertaken constructive discussions with Member States with a view to facilitating the final approval of the revised terms of reference. UN-Oceans also held its annual meeting on 17 June 2013 to, inter alia, receive information about developments relating to the Open Working Group on Sustainable Development Goals and the World Bank Global Partnership for Oceans.[169]

147. Following the launch of the Oceans Compact in August 2012[170] and consultations with Member States, and in view of ongoing relevant intergovernmental processes, the Secretary-General decided that it would be beneficial for the United Nations system to focus its attention on the preparation of a system-wide inventory of oceans-related mandates.

# XIII. Capacity-building activities of the Division for Ocean Affairs and the Law of the Sea

148. In response to the importance placed by the General Assembly on capacity-building in the field of the law of the sea and ocean affairs, the Division for Ocean Affairs and the Law of the Sea has intensified its capacity-building activities, including through provision of advisory services; administration of trust funds; organization of briefings and training programmes; preparation of publications; maintenance of databases; administration of fellowship programmes; and dissemination of information through its website.

## A. Technical assistance

149. In addition to the activities described in paragraph 50 above, the Division for Ocean Affairs and the Law of the Sea organized, on 11 September 2013, in

[166] Resolution 54/33, para. 2.
[167] Resolution 67/78, paras. 255 and 257.
[168] See A/68/159.
[169] See www.unoceans.org/Documents/UN%20Oceans%20Meeting%20Report%20June%202013%20-%20FINAL.pdf.
[170] A/67/79/Add.1, sect. XVI.C.

collaboration with the United Nations Institute for Training and Research, a training seminar on selected recent developments in ocean affairs and the law of the sea.

150. The Division provided advice and assistance to several States pursuant to its mandate under resolutions 52/26 and 67/78. For example, from 17 to 18 October 2012, it assisted the Government of Qatar in conducting a training workshop in Doha on the legal and technical aspects of the implementation of the United Nations Convention on the Law of the Sea.

## B. Trust funds

151. The Division for Ocean Affairs and the Law of the Sea continues to administer three voluntary trust funds established by the General Assembly to assist the work of two of the bodies established under the Convention, namely the Commission on the Limits of the Continental Shelf and the International Tribunal on the Law of the Sea. Additionally, the Division administers three other voluntary trust funds, which contribute, inter alia, to the dissemination and wider appreciation of international law and provide financial assistance for the participation of representatives from developing countries in meetings in accordance with the terms of reference of each of the funds. The Division also administers, jointly with FAO, the Assistance Fund under Part VII of the United Nations Fish Stocks Agreement. To ensure more efficient processing of applications for financial assistance, States may be invited to use application forms where appropriate. In some instances, in order to provide financial assistance, a grant agreement may need to be signed between the State requesting assistance and the United Nations.

152. The fund balances and overview of States that have generously contributed to each fund and those States that have availed themselves of funding from each of the funds is provided in the annex to the present report.

## C. Fellowships

### 1. Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea

153. Thus far, the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea has enabled 25 individuals from 25 Member States to be trained. In July 2013, Miguel Enrique Tesoro Torres of Cuba completed the requirements of the twenty-fifth Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea. With the contributions received for the voluntary trust fund during the reporting period, the Division for Ocean Affairs and the Law of the Sea will be in a position to administer one Fellowship award for the period 2013-2014.[171] However, additional contributions will be required in order to make an additional award beyond 2014. Accordingly, an appeal is hereby made to Member States and others in a position to do so to contribute generously to the trust fund so as to enable the Secretariat to make additional annual awards.

[171] Information regarding the eligibility requirements and the application procedures is available at www.un.org/depts/los.

### 2. The United Nations-Nippon Foundation of Japan Fellowship Programme

154. The United Nations-Nippon Fellowship Programme has trained 90 individuals from 58 Member States thus far. Currently, 10 individuals from Costa Rica, Côte d'Ivoire, Gambia, the Islamic Republic of Iran, Kiribati, Mexico, Saint Vincent and the Grenadines, Trinidad and Tobago, the United Republic of Tanzania and Viet Nam are undertaking the Programme. Ten new awards will be made in the fourth quarter of 2013 for the new Fellowship cycle commencing in the first quarter of 2014.[172]

155. Under the Alumni Fellowship Programme component, a meeting of regional alumni representatives was held in New York in December 2012 on the margins of the commemoration by the General Assembly of the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. A regional meeting for the alumni of the Pacific Islands region, to be hosted by the Pacific Islands Forum Secretariat, will be held in October 2013 in Fiji.

## XIV. Conclusions

156. The developments outlined in the present report reconfirm the ongoing need to address all ocean issues as a whole through an integrated, interdisciplinary and intersectoral approach. As stated in the Preamble to the United Nations Convention on the Law of the Sea, the problems of ocean space are closely interrelated and need to be considered as a whole.

157. More than 30 years after its adoption, the United Nations Convention on the Law of the Sea, which provides the legal framework for all activities in the oceans and seas and the basis for national, regional and global action and cooperation in the marine sector, remains critical for the maintenance and the strengthening of peace, security, cooperation and friendly relations among nations. It is the source of stability and legal certainty, which are critical to the economic and social advancement of people, and constitutes an essential unifying framework for processes following the United Nations Conference on Sustainable Development and post-2015.

158. The increasing number of States that have expressed their consent to be bound by the United Nations Convention on the Law of the Sea brings us closer to the goal of universality. Effective implementation by all parties and application by competent international organizations of the legal regime of the Convention is thus critical, not only for a robust legal order for the oceans and seas, but also for sustainable development.

159. Adequate capacity, be it human, technical or financial, is a fundamental building block for compliance with relevant instruments and to benefit from the oceans and their resources. In that regard, the Secretariat is committed to intensifying its assistance in order to promote a better understanding of the Convention and the related agreements and with a view to facilitating their wider acceptance, uniform and consistent application and effective implementation.

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[172] Information regarding the eligibility requirements and the application procedures is available at www.un.org/depts/los/nippon.

160. As demonstrated in the present report, a number of measures have been taken or are under consideration by the United Nations specialized agencies, programmes and bodies and other intergovernmental organizations to assist States in the implementation of the legal regime for oceans and seas. The role of the General Assembly in providing global policy guidance in the context of its agenda item entitled "Oceans and the law of the sea", and a harmonizing framework to ensure coordination between and among States and competent international organizations, continues to be critical to avoid a fragmented approach, as well as duplications, overlaps and possible contradictions in the manner ocean issues are addressed, in particular as regards marine biodiversity beyond areas of national jurisdiction.

161. Following the United Nations Conference on Sustainable Development, in a context which has been characterized by a marked increase in ocean-related initiatives and activities on the part of States, international organizations and civil society, the significant role of the General Assembly, together with the bodies it has established, such as the Consultative Process, cannot be overstated. Those forums allow for an integrated, interdisciplinary and intersectoral consideration of ocean issues, but also ensure consistency with the legal framework provided by the United Nations Convention on the Law of the Sea. Such unique forums also foster cooperation and coordination among competent international organizations, thus minimizing the potential for duplication and optimizing resources.

162. Indeed, the Secretary-General wishes to re-emphasize the need to improve cooperation and coordination at all levels, in accordance with the United Nations Convention on the Law of the Sea and relevant General Assembly resolutions. Such cooperation and coordination are also an essential component of the integrated management, conservation and sustainable development of the oceans and seas. The Secretary-General is also mindful of the need for an enhanced and more coordinated contribution of the United Nations system and related intergovernmental organizations to those efforts, including through UN-Oceans. In this context, he will continue to do his utmost to support Member States in their efforts to achieve healthy oceans for prosperity.

# Annex

## Status of voluntary trust funds administered by the Division for Ocean Affairs and the Law of the Sea (1 July 2012-31 July 2013)

| *Voluntary trust funds* | *Countries that benefited from the trust fund during the reporting period* | *Countries that contributed to the trust fund during the reporting period* | *Fund balance estimate as at July 2013 (United States dollars)* |
|---|---|---|---|
| Voluntary trust fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea | N/A | Ireland | 1 296 421 |
| Voluntary trust fund for the purpose of defraying the cost of participation of the members of the Commission on the Limits of the Continental Shelf from developing States in the meetings of the Commission | Cameroon, Ghana, Kenya, Mexico, Mozambique, Nigeria, Pakistan, Trinidad and Tobago | China, Costa Rica, Ireland, Japan, Mexico, Republic of Korea | 1 057 936 |
| Voluntary trust fund for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, in attending meetings of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea | Brazil, Burkina Faso, Djibouti, Honduras, Madagascar, Palau, Togo, Trinidad and Tobago | New Zealand | 55 706 |
| Voluntary trust fund to assist States in the settlement of disputes through the International Tribunal for the Law of the Sea | N/A | Finland | 190 409 |
| Voluntary trust fund for the regular process for global reporting and assessment of the state of the marine environment, including socioeconomic aspects | Group of experts: Barbados, Brazil, Chile, Kenya, Republic of Korea, Uganda | Ireland, New Zealand, Norway, Republic of Korea | 82 331 |
| Voluntary trust fund for the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law — Hamilton Shirley Amerasinghe Memorial Fellowship | Cuba | Finland, Ireland, Monaco, Sri Lanka, Trinidad and Tobago | 92 621 |
| Assistance Fund under Part VII of the United Nations Fish Stocks Agreement — implemented jointly with FAO[a] | Cook Islands, Kiribati, Maldives, Micronesia, Namibia, Nauru, Palau, Samoa, Senegal, South Africa, Sri Lanka, Tonga, Tuvalu, Uruguay | N/A | 273 410 |

[a] FAO, Financial Report as at 31 December 2012 on the Status of the Assistance Fund Under Part VII of the United Nations Fish Stocks Agreement (May 2013).