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Oceans and the law of the sea

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Report of the Secretary-General**

Summary

The present report, which covers the period from 1 September 2018 to 31 August 2019, is submitted pursuant to paragraph 370 of General Assembly resolution [73/124](#), 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 that resolution, for consideration at its seventy-fourth 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. The present report provides information on major recent developments relating to ocean affairs and the law of the sea, in particular, at the United Nations and its specialized agencies, funds and programmes, as well as within the bodies established by the Convention.

* [A/74/150](#).

** The present report contains a summary of the most significant recent developments and selected parts of contributions by relevant agencies, programmes and bodies. Owing to word limits for reports mandated by the General Assembly, an advance, unedited version of the report, with comprehensive footnotes, is available on the website of the Division for Ocean Affairs and the Law of the Sea at www.un.org/depts/los/general_assembly/general_assembly_reports.htm.



I. Introduction

1. The oceans and seas, which have connected and sustained humankind for thousands of years, now face unprecedented pressures from anthropogenic activities that threaten their crucial role in the planetary system. Given the importance of the oceans for food security, tourism, transportation, cultural values and heritage and the regulation of the climate, the declining health of the oceans affects the entire planet.

2. Pressures from fishing, shipping, mining, tourism and other industries have created unsustainable levels of stress on marine and coastal ecosystems. Half of all living coral has been lost in the past 150 years and plastic pollution in the sea has increased tenfold in the past four decades. A third of all fish stocks are now overexploited, deoxygenated dead zones are growing in extent and number and ocean acidification, rising sea levels and other effects of climate change are taking a massive toll.

3. These effects are felt most acutely by low-lying coastal States, small island developing States and coastal communities, whose daily lives are closely linked to the oceans.

4. Although the international community continues to address the plight of the oceans, more urgent action is required to halt and reverse their declining health, with greater focus on full and effective implementation of the United Nations Convention on the Law of the Sea. The critical role of the legal framework as set out in the Convention – the world’s “constitution for the oceans” – cannot be overstated in addressing the global emergency regarding the oceans.

5. The achievement of Sustainable Development Goal 14 of the 2030 Agenda for Sustainable Development and its 10 targets, some of which are expected to be achieved by 2020, as well as the achievement of other ocean-related Sustainable Development Goals, is key, as is the implementation of the SIDS Accelerated Modalities of Action (SAMOA) Pathway, the progress of which will be reviewed at a high-level event on 27 September 2019.

6. Urgent action by all stakeholders is needed to ensure the conservation and sustainable use of the oceans, seas and marine resources. The 2020 United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development, to be held in Lisbon from 2 to 6 June 2020, under the overarching theme “Scaling up ocean action based on science and innovation for the implementation of Goal 14: stocktaking, partnerships and solutions”, will provide a particular opportunity for multi-stakeholder engagement and new partnerships and voluntary commitments in support of Sustainable Development Goal 14.

7. Action must be taken across an array of sectors to address ocean-related challenges to protect and preserve this essential resource for sustainable development. In the face of a multitude of processes and outcomes concerning the oceans, now more than ever, cooperation and coordination at all levels need to be enhanced in order to promote and ensure consistent application and implementation of the provisions of the Convention and integrated management and sustainable development of the oceans and seas.

8. The present report contains a summary of the activities and developments relating to ocean affairs and the law of the sea, including those undertaken by the United Nations system and other intergovernmental organizations in relation to General Assembly resolution [73/124](#). The purpose of the report is to assist the General Assembly in its annual consideration and review of activities and developments relating to oceans and the law of the sea. It should be read together with other reports

relevant to oceans and the law of the sea issued by the United Nations during the period under review. It should also be read together with the more detailed contributions provided by the United Nations specialized agencies, programmes and bodies, as well as other intergovernmental organizations.¹

II. Legal and policy framework

9. Activities in the oceans and seas are governed by a large number of binding instruments, adopted at the global and regional levels within the overall legal framework set out in the Convention. In addition, there are other instruments providing policy guidance and commitments, including the 2030 Agenda and annual resolutions of the General Assembly on oceans and the law of the sea and on sustainable fisheries.

10. When marking the twenty-fifth anniversary of the entry into force of the Convention during the twenty-ninth Meeting of States Parties to the Convention, I encouraged all States that had not yet done so to ratify or accede to the Convention and called for all States parties to approach its full implementation with renewed commitment and vigour, noting that many of the current challenges facing the oceans could be addressed through its effective and comprehensive implementation. As at 31 August 2019, there were 168 parties to the Convention and 150 parties to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, adopted in 1994. Since last year's report, 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, adopted in 1995, increased from 89 to 90.

11. The Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and also continues to provide the foundation for the further development of that legal and policy framework. The intergovernmental conference on an international legally binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, convened pursuant to General Assembly resolution 72/249, held three sessions in New York: from 4 to 17 September 2018; from 25 March to 5 April 2019; and from 19 to 30 August 2019. During the most recent session, negotiations were guided by a draft text of an agreement under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (A/CONF.232/2019/6, annex).

III. Maritime spaces

12. The bodies provided for in the Convention, namely the Commission on the Limits of the Continental Shelf, the International Seabed Authority and the International Tribunal for the Law of the Sea, continued their important work, enhancing legal certainty concerning maritime spaces and thereby promoting the peaceful and sustainable development of the oceans and seas.

13. Among other activities, the Commission on the Limits of the Continental Shelf adopted four sets of recommendations and established four new subcommissions.

14. The International Seabed Authority marked the twenty-fifth anniversary of the entry into force of the Convention and its establishment in a special commemorative

¹ All contributions are available at www.un.org/depts/los/general_assembly/contributions74.htm.

session of its Assembly. Moreover, the Assembly adopted performance indicators for its strategic plan for the period 2019–2023, as well as a high-level action plan. Preliminary discussions were also held on the operationalization of the Enterprise, as the organ of the Authority that is to carry out activities in the Area directly, as well as the transporting, processing and marketing of minerals recovered from the Area.² As a priority matter, consideration continued of the draft regulations on the exploitation of mineral resources in the Area, for adoption in 2020 as part of the mining code.

15. A workshop was held on the requirements of States under the Convention to have due regard to the rights and duties of other States and reasonable regard for other activities. The workshop advanced the identification of practical tools to coordinate the activities of contractors and submarine cable operators in the Area.

16. With regard to the settlement of disputes, the Tribunal delivered its judgment in *The M/V “Norstar” Case (Panama v. Italy)* (case No. 25) and also ordered provisional measures in the *Case concerning the detention of three Ukrainian naval vessels (Ukraine v. Russian Federation)* (case No. 26) and in the *M/T San Padre Pio case (Switzerland v. Nigeria)* (case No. 27) (see [SPLOS/29/2](#) and [SPLOS/29/9](#)).

17. The International Court of Justice delivered its judgment on the merits in the case *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*.

18. In my capacity as depositary under the Convention, I received one additional deposit pursuant to article 76, paragraph 9, of the Convention, permanently describing the outer limits of the continental shelf beyond 200 nautical miles, as well as several other deposits by States parties of charts and/or lists of geographical coordinates of points concerning baselines and the outer limits of maritime zones.

IV. Importance of the human dimension

19. Our future depends on the health, resilience and productivity of the oceans. Coastal communities are particularly vulnerable to the impacts of multiple and cumulative pressures on the oceans, especially climate change (see paras. 2, 3 and 46 of the present report).

20. Notwithstanding the close connection between the oceans and the health, welfare, safety and security of people around the world, as also demonstrated in sections V, VI and VII below, the human dimension has not featured prominently in the law of the sea.

21. However, people at sea, whether employed or migrating, in particular those individuals who are not under the effective jurisdiction of States capable of protecting their basic human rights, often find themselves in a position of vulnerability and require protection against threats to such rights. Moreover, gender equality and the empowerment of women have not yet been achieved in all ocean-related sectors.

22. Recent events have drawn attention to the need to raise awareness of the importance of the human dimension and the protection of human rights, including World Oceans Day 2019, the theme of which was “Gender and the ocean”. The vital, yet underutilized contributions of women in the maritime sector will also be the focus of the International Maritime Organization (IMO) World Maritime Day 2019, on the theme “Empowering women in the maritime community”. It will be important for the international community to continue building on these initiatives.

² See section 2, paragraph 1, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982.

23. In the light of the interlinkages between the Sustainable Development Goals, the achievement of Goal 14 will ultimately depend on progress also being made with regard to the other Goals, including Goal 5, on achieving gender equality and the empowerment of all women and girls, and Goal 8, on promoting full and productive employment and decent work for all.

Labour at sea

24. Specific efforts are needed to promote decent work conditions and opportunities for women seafarers, other seafarers and fishers at sea, as they continue to face significant occupational risks while working in difficult conditions. These workers, in particular migrant labourers and youth, are vulnerable to exploitation, labour abuses and human rights violations. Instances of seafarer abandonment have continued to occur.

25. The 2016 amendments to the Maritime Labour Convention, 2006, of the International Labour Organization (ILO) entered into force on 8 January 2019 and included a call to States to take into account guidance on eliminating shipboard harassment and bullying. At an International Labour Organization bipartite meeting between seafarers and shipowners, it was agreed to increase the minimum monthly basic wage of seafarers, with the first increase effective on 1 July 2019.

26. In relation to fisheries, best practices concerning sustainable small-scale fisheries and a review of safety at sea in the fisheries sector were published by the Food and Agriculture Organization of the United Nations (FAO). Projects were also initiated for capacity-building programmes on safety at sea for small-scale fisheries and the development of an accident and fatality reporting system.

Migration by sea

27. Thousands of people continue to take perilous journeys by sea in many parts of the world, risking death and injury. Strained search-and-rescue responses, difficulties in securing safe disembarkation and exploitation by smuggling operations are common along many routes.

28. In the Global Compact for Safe, Orderly and Regular Migration, adopted at an intergovernmental conference and endorsed by the General Assembly in its resolution [73/195](#), includes a commitment to “cooperate internationally to save lives and prevent migrant deaths and injuries through individual or joint search and rescue operations, standardized collection and exchange of relevant information, assuming collective responsibility to preserve the lives of all migrants, in accordance with international law”.

29. It is estimated that more than 160,000 people crossed the Gulf of Aden and the Red Sea to reach the Arabian Peninsula in 2018. In the first four months of 2019, 55,430 individuals entered Yemen from Djibouti or Somalia by sea. A growing number of people arrived in the Caribbean region in 2018 as a result of outflows from the Bolivarian Republic of Venezuela. Small-scale mixed migration also occurred by sea from West Africa towards Europe and through the Bay of Bengal and the Andaman Sea to Indonesia and Malaysia. In 2018, approximately 17,000 Rohingya reportedly crossed from Myanmar to Bangladesh, mostly by boat.

30. Approximately 116,650 people reportedly travelled to Europe via the Mediterranean Sea in 2018, a decrease from over 172,300 in 2017. Approximately 2,275 people were believed to have died during those crossings. The Office of the United Nations High Commissioner for Refugees reported a dire humanitarian

situation in the central Mediterranean with regard to rescue at sea, safe disembarkation and access to asylum procedures.

V. Maritime safety and security

31. Safe and secure navigation is vital not only for people on board ships, but also for the entire shipping industry and global economy. About 80 per cent of global trade by volume and more than 70 per cent by value is carried out by sea and handled by ports worldwide.

32. Efforts to address climate change (see para. 49 below) and technological advances are currently among the key drivers of change in global shipping.

33. IMO endorsed the methodology and framework for a regulatory scoping exercise on maritime autonomous surface ships to assess the applicability of instruments to ships with varying degrees of autonomy and to develop guidelines for trials.

34. IMO and the International Hydrographic Organization continued to work towards the full implementation of e-navigation. Worldwide coverage of electronic navigational charts now corresponds to existing paper charts; however, many areas of the oceans are still not supported by adequate surveys or charts. Progress is hindered by a lack of reliable survey data and the allocation of appropriate resources and priority by coastal States.

35. A road map for the development of measures for ships operating in polar waters not currently covered by the International Code for Ships Operating in Polar Waters was agreed upon, including possible revisions to relevant instruments for adoption by IMO in 2022.

36. IMO also endorsed a series of measures to prevent unlawful practices associated with the fraudulent registration and fraudulent registries of ships, which continued to negatively affect the shipping sector. Such measures include a comprehensive database of registries and related procedures for communication, as well as recommended best practices to assist in combating such practices. IMO also agreed to work with the Security Council to establish a searchable database of vessels currently the subject of, or designated pursuant to, Security Council resolutions.

37. Maritime security continued to be threatened by acts of piracy and armed robbery against ships and other crimes at sea, endangering the lives and livelihoods of people and interfering with international trade and navigation and other lawful uses of the oceans. Illicit traffic in narcotic drugs and psychotropic substances, intentional and unlawful damage to the marine environment and illegal activities in the fisheries sector and other criminal activities also continued to undermine the ability of States to develop sustainable ocean-based economies. Thus, addressing criminal activities, including in the context of the broader category of transnational organized crimes at sea, remained a priority for the international community.

38. On 5 February 2019, the Security Council held an open meeting on transnational organized crimes at sea as a threat to international peace and security, following an Arria-formula meeting on the same topic held on 13 June 2018. The subject of transnational organized crime and drug trafficking in the Caribbean region as a threat to international stability was discussed in an Arria-formula meeting on 7 June 2019. The Counter-Terrorism Committee of the Security Council also met to discuss maritime security issues, including terrorist acts committed at sea, among other issues.

39. Effective cooperation among States and among other relevant stakeholders is of central importance in addressing threats to maritime security, as demonstrated by the Container Control Programme of the United Nations Office on Drugs and Crime

(UNODC) and the World Customs Organization; 2018 was the Programme's most successful year in terms of the quantity of drugs seized.

40. International cooperation to address piracy continued through existing forums, including the Contact Group on Piracy off the Coast of Somalia, the Information Sharing Centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia and the Group of Friends of the Gulf of Guinea. The Security Council adopted resolution [2442 \(2018\)](#) on piracy and armed robbery at sea off the coast of Somalia.

41. In 2018, reported incidents of actual and attempted piracy and armed robbery against ships globally rose to 223, from 204 in 2017, with the largest percentage occurring in West Africa (81 incidents) and the South China Sea (57 incidents). While the number of incidents attributed to Somalia-based pirates decreased to 10 in 2018, from 21 in 2017, the distance from the coast at which some incidents occurred demonstrated the continued capability of Somali pirate groups. During the first six months of 2019, 78 incidents of piracy and armed robbery against ships were reported worldwide, compared with 107 during the first six months of 2018.

42. Of particular concern was the continued risks to seafarers, with 141 persons taken hostage and 83 kidnapped in 2018, and 38 persons taken hostage and 37 kidnapped in the first six months of 2019.

43. UNODC continued to carry out technical assistance and other activities in East and West Africa, the Caribbean, the Horn of Africa, South Asia and South-East Asia to build the capacity of maritime law enforcement officers, prosecutors and judges in tackling maritime crimes. It also implemented a project with IMO aimed at enhancing national capacity to implement maritime-related international legal instruments on counter-terrorism in selected States in South and South-East Asia. Through its Integrated Technical Cooperation Programme, IMO supported countries in enhancing security measures to protect ships and ports from threats posed by terrorism and other criminal activities at sea.

44. UNODC also reported on activities to enhance the capacity of States to prevent and respond to illegal activities in the fisheries sector, including through regional programmes, seminars and symposiums, as well as the development of a guide on addressing corruption in the fisheries sector. A framework to assist States in ensuring the protection and resilience of submarine cables within their maritime zones was also developed through the UNODC Global Maritime Crime Programme and could be tailored to the needs of individual States.

VI. Climate change

45. The oceans play a central role in regulating global temperature and climate. However, physical and chemical changes to the oceans resulting from increasing greenhouse gas emissions in the atmosphere are already driving significant changes to ocean systems. Climate change poses a major threat to the health and safety of humans and to an increasing number of ecosystems.

46. In particular, according to the Intergovernmental Panel on Climate Change, under a scenario of a temperature increase of 1.5 degrees Celsius, 31–69 million people worldwide are projected to be exposed to flooding in 2100, assuming no adaptation or protection at all, compared with 32–79 million with a temperature increase of 2 degrees Celsius. The International Law Commission included sea-level rise in relation to international law in its programme of work and established an open-ended study group on the topic. Tuvalu proposed the development of an international, legally binding instrument to create appropriate protections for persons displaced as

a result of the impacts of climate change. Human mobility in the context of climate change and natural disasters was discussed during the Caribbean Migration Consultations.

47. Ocean warming and acidification associated with global warming of 1.5 degrees Celsius will have an impact on a wide range of marine organisms and ecosystems, as well as food production sectors, such as aquaculture and fisheries, and, consequently, many coastal communities that depend on the oceans and their resources.

48. The important interlinkages between oceans and climate change are increasingly being recognized by the international community. The Climate Action Summit 2019 will be focused, *inter alia*, on oceans in the context of nature-based solutions.³ Oceans and coastal zones were also a key theme of the Global Climate Action Agenda of the United Nations Framework Convention on Climate Change. The Marrakech Partnership for Global Climate Action will support implementation of the Paris Agreement by enabling collaboration between Governments, cities, regions, businesses and investors, including in relation to ocean and coastal zones. Over 70 per cent of the current nationally determined contributions submitted under the Paris Agreement include ocean and marine issues.

49. Air pollution from ships will be reduced as a result of the entry into force on 1 January 2020 of the global limit of 0.50 per cent on sulphur in fuel oil under annex VI to the International Convention for the Prevention of Pollution from Ships. For ships operating in designated emission control areas, the limit continues to be 0.10 per cent. IMO approved a programme up to 2023 of follow-up actions to its initial strategy on reduction of greenhouse gas emissions from ships. Work also began on the fourth IMO greenhouse gas study that will update emissions estimates from international shipping from 2012 to 2018. With respect to energy efficiency, new guidelines were adopted on the method of calculation of the attained energy efficiency design index for new ships and measures were approved to strengthen mandatory requirements for new ships and to encourage their cooperation with ports. A voluntary multi-donor trust fund was also established to support technical cooperation and capacity-building activities on the reduction of greenhouse gas emissions from ships. Furthermore, a project between Norway and IMO, GreenVoyage-2050, was launched to demonstrate and test technical solutions for reducing greenhouse gas emissions in shipping and to build capacity in developing countries, including small island developing States and least developed countries.

50. Further required mitigation and adaptation measures will be informed by the special report of the Intergovernmental Panel on Climate Change on the ocean and cryosphere in a changing climate, expected to be launched in late September 2019, as well as by other studies. For example, the International Council for the Exploration of the Sea published its annual report on ocean climate to present measurements of water temperatures at different depths, salinity, sea-level pressure, air temperature and ice cover throughout the North Atlantic and to identify key trends. The International Council for the Exploration of the Sea and several partners also organized the fourth International Symposium on the Effects of Climate Change on the World's Oceans, held in Washington, D.C., from 4 to 8 June 2019. The OSPAR Commission for the Protection of the Marine Environment of the North-East Atlantic established an expert network on climate change and began working on the impacts of climate change in the region. It also began monitoring ocean acidification levels and created a group of experts to develop a new measurable indicator for the next assessment, in 2023.

³ See the information note on the Summit, available at www.un.org/en/climatechange.

51. FAO published a technical paper on deep-ocean climate change impacts on habitat, fish and fisheries and, at its symposium, the North Atlantic Salmon Conservation Organization recommended the need to identify strategic activities to deal with climate change and cascading effects on salmon and salmon habitat.

VII. Balancing economic growth with environmental protection and social development for a sustainable ocean-based economy and to build resilience

52. Healthy, resilient and productive oceans are critical for climate regulation and carbon sequestration, economic growth and social development (see chap. VI above). They are also important for the identity and culture of small island developing States.

53. States and other stakeholders continued to attach great importance to the development or expansion of an ocean-based economy. At the same time, the declining state of the marine environment has led to an increased recognition of the need to ensure that such development or expansion is sustainable. For example, at the Sustainable Blue Economy Conference, held in Nairobi from 26 to 28 November 2018, the importance of promoting action-oriented global strategies that place people and the blue economy resources at the centre of sustainable development was highlighted. The High-Level Panel for a Sustainable Ocean Economy, comprising 14 Heads of Government and the Special Envoy for the Ocean, intends to provide recommendations in 2020 for transitioning to a fully regenerative, sustainable ocean economy.

54. Over 65 per cent of the ocean area is now experiencing cumulative impacts from human activities, including direct exploitation, in particular, overexploitation of fish, shellfish and other organisms, land- and sea-based pollution and land- and sea-use change, including coastal development for infrastructure and aquaculture. More food, energy and materials are being supplied than ever before, but increasingly at the expense of the planet's ability to contribute to future generations. Biodiversity is now declining faster than at any time in human history. Current negative trends in biodiversity and ecosystem health will undermine progress towards 80 per cent of the assessed targets underpinning the Sustainable Development Goals related to oceans, poverty, hunger, health, water, cities, climate and land.

55. The United Nations Environment Programme (UNEP) indicated that only one of the indicators underpinning Sustainable Development Goal 14, regarding coverage of protected areas, showed a positive trend; a negative trend was noted for sustainable fish stocks. Insufficient data were available to analyse all the other indicators under Goal 14; however, a negative trend was expected as those indicators received less attention in terms of policy interventions and investment in monitoring. As noted in paragraph 96 below, data for indicator 14.c.1 of the Sustainable Development Goals have not been collected, pending the approval of a methodology.

56. Therefore, in spite of the number of actions that have been taken by the international community, mainly in the context of sectoral activities, such as fisheries (see paras. 69–77 below) and shipping (see paras. 33–36 above), as well as in relation to the protection and preservation of the marine environment and conservation and sustainable use of marine biological diversity, as noted in paragraphs 79–88 below, addressing the current multiple and cumulative pressures on marine biodiversity and ecosystems will require more concerted efforts towards fully implementing the comprehensive legal and policy framework (see chap. II above) and more effective cross-sectoral coordination and cooperation among States at all levels and among all relevant stakeholders, as indicated in chapter VIII below.

57. The full and effective implementation of the Convention is an essential prerequisite for the integrated management and sustainable development of the oceans and seas. The Convention embodies the three dimensions of sustainable development by establishing a delicate balance between the need for economic and social development through the use of the oceans and their resources and the need to conserve and manage marine resources in a sustainable manner and protect and preserve the marine environment.

A. Increasing knowledge and understanding and promoting marine science and technology

58. Marine science is critical for the overall achievement of the Sustainable Development Goals. It increases understanding and knowledge of the oceans and seas and their crucial role in the planetary system, for improved application in management and decision-making and in preparedness for extreme weather events, sea-level rise and other ocean-related challenges. However, significant knowledge and capacity gaps remain to be filled. For example, UNEP reported that there were insufficient data to assess progress with respect to 68 per cent of the 93 environment-related indicators of the Sustainable Development Goals.

59. As recognized by the General Assembly in its resolution [73/124](#), greater efforts are needed at all levels to increase marine scientific research activities and the development and transfer of marine technologies, in accordance with the Convention, in order to improve overall understanding and knowledge of the oceans and marine ecosystems and address ongoing gaps in capacity-building in marine science. States will have an opportunity during the United Nations Decade of Ocean Science for Sustainable Development (2021–2030) and at the 2020 United Nations Conference to Support the Implementation of Sustainable Development Goal 14 to explore what action is needed to enhance science and technology in conserving and sustainably using the oceans, seas and marine resources (see also paras. 6, 63 and 94 of the present document).

60. A prerequisite for increasing marine scientific activities is a common understanding of the legal regime in the Convention, in particular, part XIII, on marine scientific research. The increasing use of commercial ships for the collection of data, including for meteorological and oceanographical observations, and the potential use of other maritime infrastructure, including sub-sea fibre-optic telecommunications networks, known as SMART cables, to augment tsunami monitoring, have raised questions of interpretation and application of the legal regime. With regard to marine meteorological and oceanographical observations in coastal regions, the World Meteorological Congress confirmed the importance of respecting relevant legal frameworks for the taking and sharing of ocean data in waters under national jurisdiction and urged its members to facilitate and promote marine meteorological and related oceanographical observation programmes, in particular from within exclusive economic zones.

61. During the discussion panel on the topic of “Ocean science and the United Nations Decade of Ocean Science for Sustainable Development” during the twentieth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, the United Nations Decade of Ocean Science for Sustainable Development was identified by many participants as a good opportunity to further support the implementation of the applicable provisions of the Convention. Other initiatives, ideas, proposals and perspectives were also shared by representatives of States and entities with respect to the United Nations Decade of Ocean Science for Sustainable Development.

62. In anticipation of the United Nations Decade of Ocean Science for Sustainable Development, the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization convened the first global planning meeting and identified deliverables and partnerships to meet the objectives for the Decade. This dialogue will continue throughout 2019 and 2020, in particular through regional and thematic workshops, to inform the planning for the Decade. The implementation plan is scheduled to be presented to the General Assembly in 2020.

63. The Intergovernmental Oceanographic Commission also continued preparing the second edition of the *Global Ocean Science Report*, which will be launched at the 2020 United Nations Conference to Support the Implementation of Sustainable Development Goal 14 and will provide baseline information for the United Nations Decade of Ocean Science for Sustainable Development. The Committee on International Oceanographic Data and Information Exchange recommended that the Intergovernmental Oceanographic Commission formulate common guidelines or principles regarding data collected during the Decade. The Committee also recommended that the secretariat of the Commission explore, through UN-Oceans, the development of a joint data and information system.

64. The World Meteorological Congress approved the World Meteorological Organization Strategic Plan 2020–2023, which contains five long-term goals for 2030, each of which is ocean-related. The Congress also adopted resolutions on better scientific understanding of the oceans.

65. The Global Ocean Observing System 2030 Strategy was approved by the World Meteorological Congress and the Intergovernmental Oceanographic Commission Assembly. It contains strategic objectives to shape the development of an implementation plan and partnership strategy. In recognition of the need to collaborate to achieve improved accessibility, unrestricted use and interoperability of data and information, the Intergovernmental Oceanographic Commission launched an ocean data and information system catalogue of sources.

66. Interoperability of ocean information systems and data is also important in the preparation of scientific assessments of the state of the oceans. The current multitude of processes and methodologies involved can create challenges for States in the consideration and integration of scientific outcomes and advice in terms of policy decisions in support of the sustainable development of the oceans and seas.

67. The Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, has a critical role in addressing these challenges. It provides a global mechanism to regularly review the environmental, economic and social aspects of the world's oceans and contributes to the strengthening of the regular scientific assessment of the state of the marine environment in order to enhance the scientific basis for policymaking.

68. The second world ocean assessment, currently under preparation, is scheduled to be considered by 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, and then the General Assembly in 2020. Its preparation will be informed by, inter alia, the second round of regional workshops, completed in 2018, and by a two-day multi-stakeholder dialogue and capacity-building partnership event held in 2019. The event provided an opportunity to build awareness and collaboration with respect to capacity-building in support of the Regular Process. One of the conclusions of the event related to the importance of developing a coherent programme for capacity-building for conducting marine assessments, and particularly integrated assessments. In August 2019, the Ad Hoc Working Group of the Whole approved the conclusions from the event. It also, inter alia, approved the possible outcomes and building blocks of the third cycle of the

Regular Process. A programme of work for that third cycle, including resource requirements, will be considered by the Ad Hoc Working Group in 2020.

B. Conservation and sustainable use of living marine resources

69. Urgent action is needed to improve the conservation and sustainable use of marine living resources, in accordance with the Convention and the Fish Stocks Agreement, in order to achieve the ocean-related commitments contained in the 2030 Agenda, including by strengthening international cooperation and coordination in fisheries management, combating illegal, unreported and unregulated fishing, addressing unsustainable fishing practices and reducing overcapacity. Activities and measures to strengthen international cooperation and coordination in fisheries management continued to be a priority. For example, cooperation among States led to the signing of the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean in October 2018.

70. The informal consultations of States parties to the Fish Stocks Agreement provided an opportunity for regional fisheries management organizations and arrangements to report on progress in performance reviews and implementing related recommendations⁴ and to, *inter alia*, explore the importance of performance review processes and ways to strengthen them. At the consultations it was agreed that the Review Conference on the Fish Stocks Agreement would be resumed in 2021, revised terms of reference for the Assistance Fund under Part VII of the United Nations Fish Stocks Agreement were approved, with the aim of facilitating future contributions to assist developing States parties in implementing the Agreement, and it was decided that the informal consultations in 2020 would focus on the topic “Implementation of an ecosystem approach to fisheries management”.

71. Efforts to increase cooperation among regional fisheries management organizations and arrangements continued, including in the context of the FAO Regional Fishery Body Secretariats Network. Such cooperation also continued among the North Atlantic Salmon Conservation Organization, the International Commission for the Conservation of Atlantic Tunas, the Northwest Atlantic Fisheries Organization and the North-East Atlantic Fisheries Commission in relation to combating illegal, unreported and unregulated fishing for salmon and addressing salmon by-catch in the North Atlantic; through the Fisheries Consultative Group Mechanism of the Southeast Asian Fisheries Development Center of the Association of Southeast Asian Nations; between the Commission for the Conservation of Antarctic Marine Living Resources and the South Pacific Regional Fisheries Management Organization on toothfish tagging research, catch documentation schemes, illegal, unreported and unregulated vessel list exchange and scientific observer programmes; and between the North Atlantic Salmon Conservation Organization and the North-East Atlantic Fisheries Commission on activities to promote 2019 as the International Year of the Salmon.

72. In other developments, the secretariat of the Convention on Biological Diversity, FAO and the International Union for Conservation of Nature Fisheries Expert Group worked together to improve assessment and reporting on progress towards Aichi Biodiversity Target 6, and the Convention on the Conservation of Migratory Species of Wild Animals and the International Whaling Commission launched an online whale watching handbook. The North-East Atlantic Fisheries Commission and the OSPAR Commission made a joint request to the International Council for the Exploration of the Sea for scientific advice on deep sea sharks, rays and chimaeras and worked to develop a proposal for a new marine protected area

⁴ The contributions to the informal consultation are available at www.un.org/Depts/los/convention_agreements/ICSP14/ICSP14.html.

primarily for bird protection in the OSPAR maritime area. The South Pacific Regional Fisheries Management Organization adopted new memorandums of understanding with the Permanent Commission of the South Pacific and the Network for the Exchange of Information and Shared Experiences between Latin American and Caribbean Countries to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing to establish cooperation on exchanging data and scientific information and strengthen regional capacities to fight illegal, unreported and unregulated fishing. The signatories to the Memorandum of Understanding on the Conservation of Migratory Sharks added eight species of sharks and rays to annex 1 of the Memorandum of Understanding.

73. The second meeting of States parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing took steps to facilitate the effective implementation of that instrument, including by adopting the rules of procedure for the meetings of the parties, developing the global information exchange system, adopting terms of reference for the funding mechanisms under part 6 of the Agreement and adopting a questionnaire to review and assess the effectiveness of the Agreement. A meeting to review and assess the instrument, in accordance with its article 24, will be held in late 2020.

74. FAO continued to support States in building capacity to effectively implement the Port State Measures Agreement, the Convention and other international fisheries treaties and guidelines. It also supported States, regional fisheries bodies and other stakeholders in establishing sustainable fisheries policies, including for sustainable small-scale fisheries, promoting decent work and safety at sea (see para. 26 above), combating illegal, unreported and unregulated fishing and increasing traceability in fish value chains (see also para. 82 below).

75. Negotiations on fisheries subsidies that can contribute to overcapacity, overfishing and illegal, unreported and unregulated fishing continued at the World Trade Organization and were aimed at achieving, by the end of 2019, the outcomes mandated by its Ministerial Conference in 2017. Discussions were organized on subsidies that contribute to illegal, unreported and unregulated fishing; subsidies for fishing where stocks are overfished; subsidies contributing to fishing overcapacity and to overfishing; and cross-cutting issues, including special and differential treatment for developing countries and least developed countries, dispute settlement, institutional issues and notification and transparency.

76. A number of organizations also reported on measures to address unsustainable fishing practices, including regarding deep-sea fishing activities, including through the FAO Global Sustainable Fisheries Management and Biodiversity Conservation in Areas Beyond National Jurisdiction programme, funded by the Global Environment Facility.

77. In 2020, the General Assembly will undertake a further review of the implementation of measures to address the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks.

C. Protection and preservation of the marine environment and conservation and sustainable use of marine biodiversity

78. To halt the deterioration of the health, resilience and productivity of the oceans and generate transformative change, there is a critical need to strengthen environmental laws and policies and implement existing obligations and commitments, as well as the rule of law more generally. Particularly important in this

regard is implementation of part XII of the Convention, on the protection and preservation of the marine environment.

79. UNEP developed a new marine and coastal strategy to support national, regional and global activities to ensure healthy and sustainable oceans and coasts by 2030. Efforts to enhance the conservation and sustainable use of marine biodiversity also continued, including with respect to mainstreaming and integrating biodiversity within and across sectors, such as energy, mining, infrastructure, fisheries and tourism. In the context of developing the post-2020 global biodiversity framework of the Convention on Biological Diversity, a thematic consultation focusing on marine and coastal biodiversity will be convened in November 2019.

80. In other forums, measures were adopted to address the impacts of specific activities, including land-based activities and air pollution (see para. 49 above), or impacts on specific species and ecosystems, such as invasive alien species, marine debris, plastics and microplastics, nutrient pollution, waste, underwater noise, ship strikes and by-catch.

81. Of particular note in relation to plastic pollution was the adoption of amendments to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal to enhance the control of transboundary movements of such waste, including by clarifying the scope of plastic wastes presumed to be hazardous and subject to prior informed consent procedures. A multi-stakeholder framework on plastic waste was also established, with one of its aims being to reduce and eventually eliminate the discharge of plastic waste and microplastics, in particular into the marine environment.

82. The Group of Twenty adopted an implementation framework for actions on marine plastic litter. Steps were also taken by FAO to address marine debris from abandoned, lost or otherwise discarded fishing gear, including through the development of voluntary guidelines on the marking of fishing gear and capacity-building workshops on good practices to prevent and reduce abandoned, lost or otherwise discarded fishing gear, in close collaboration with the Global Ghost Gear Initiative.

83. In relation to ballast water, the code for the approval of the ballast water management systems under the International Convention for the Control and Management of Ships' Ballast Water and Sediments will become mandatory in October 2019. Measures on ballast water management systems that use active substances were also adopted.

84. With respect to activities in the Area, in addition to its work on developing the mining code (see para. 14 above), the International Seabed Authority furthered its work on regional environmental management plans, including exploration of the feasibility of applying various management approaches to such plans, building on experiences and lessons learned from other ocean industries.

85. Marine migratory species and coral reefs continued to be a focus of attention, given their particular vulnerability. Issues pertaining to genetic resources were considered in the context of the Convention on Biological Diversity and the World Intellectual Property Organization, including digital sequence information on genetic resources, the need for a global multilateral benefit-sharing mechanism under article 10 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, and genetic resources and intellectual property.

86. Activities to support cross-sectoral and integrated approaches to the management of human activities continued in a number of forums, including integrated coastal zone management, marine spatial planning and ecosystem

approaches. Efforts are also being made to integrate climate vulnerability considerations in planning and zoning processes.

87. Area-based management tools remained a particular focus, including through guidance on the identification of areas and the application of such tools. Currently, 18 per cent of marine areas under national jurisdiction are protected, indicating the achievement of the quantitative element of Aichi Biodiversity Target 11 in those areas; however, only 1 per cent of areas beyond national jurisdiction are currently protected. Global coverage of marine protected areas has increased to 8 per cent; an additional 2 per cent are needed by 2020 to meet target 14.5 of the Sustainable Development Goals.

88. However, the expansion of protected areas and policies and instruments that encourage responsible use of ocean resources remain insufficient to combat the adverse effects of overfishing, ocean acidification and coastal eutrophication.

VIII. Strengthening implementation through integrated and cross-sectoral approaches

89. It is widely recognized that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach. To that end, the General Assembly has continued to reaffirm the need to improve cooperation and coordination at the national, regional and global levels in accordance with the Convention, including through capacity-building and the transfer of marine technology, 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.

90. In the light of the integrated and indivisible character of the Sustainable Development Goals, strengthening cooperation and coordination is also critical in efforts to achieve the 2030 Agenda.

91. Contributions to the present report underscored the importance of integrated and cross-sectoral approaches to ocean issues, including with regard to coastal zone management and development, maritime safety and security, the protection and preservation of the marine environment, and living resources management (see also para. 86 above).

A. Strengthening international cooperation and coordination

92. Despite some progress, the ability of the international community to strengthen international cooperation and coordination and adopt comprehensive and integrated approaches regarding oceans remains a significant challenge.

93. As recently reported with respect to progress towards the Sustainable Development Goals, the global landscape for the implementation of the Goals has generally deteriorated and the commitment to multilateral cooperation is currently under pressure (E/2019/68). States noted in the context of their voluntary national reviews the challenge of developing integrated policies for the implementation of the Goals, despite coordination structures already in place. The need for inclusive progress, effective, transparent and accountable institutions and political commitment at the highest levels was emphasized in the context of the high-level political forum on sustainable development held in New York from 9 to 18 July 2019, leading up to the summits that will mark the start of the seventy-fourth session of the General Assembly.

94. The General Assembly continues to play a critical role as the global institution responsible for overseeing, in a comprehensive and cross-sectoral manner, issues relating to oceans and the law of the sea, assisted by the processes it established. The United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea offers a particular opportunity to consider how to strengthen cross-sectoral coordination and cooperation among States and other relevant stakeholders on a range of issues. The intergovernmental conference on an international legally binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, the Ad Hoc Working Group of the Whole on the Regular Process, the United Nations Decade of Ocean Science for Sustainable Development, the high-level political forum on sustainable development and the 2020 United Nations Conference to Support the Implementation of Sustainable Development Goal 14 also support cooperation and coordination on specific issues.

95. Inter-agency cooperation provides opportunities to strengthen and promote coordination and coherence related to ocean and coastal issues. During 2019, UN-Oceans established a contact group, coordinated by the Intergovernmental Oceanographic Commission, to facilitate the provision of input and guidance to the preparatory phase of the United Nations Decade of Ocean Science for Sustainable Development.

96. In addition, UN-Oceans held events on developing a methodology for the agreed indicator to monitor progress towards the achievement of target 14.c of the Sustainable Development Goals. In the light of discussions at the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, an explanatory note outlining the proposed methodology was circulated to Member States and parties to the Convention. Member States were also invited to volunteer for a pilot testing phase of the methodology, with the results to be transmitted to the Inter-Agency and Expert Group on Sustainable Development Goal Indicators for consideration as part of a request for tier reclassification of indicator 14.c.1 in October 2019, which would trigger national reporting by States. The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, as the custodian agency for the indicator, would assist in calculating and contributing global and regional aggregates to the Global Sustainable Development Goal Indicator Database and the Secretary-General's annual global progress report.

97. By organizing side events on the margins of intergovernmental meetings, UN-Oceans also implemented its voluntary commitment, made at the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development, held in New York from 5 to 9 June 2017, to raise awareness of relevant regulatory and policy frameworks and its members' activities in support of their implementation.

98. Progress also continued within a number of organizations in the implementation of other voluntary commitments. Several UN-Oceans members jointly led one of the nine thematic multi-stakeholder Communities of Ocean Action to support the implementation of the voluntary commitments registered at the 2017 United Nations Conference to Support the Implementation of Sustainable Development Goal 14 and to facilitate collaboration among different actors in support of Goal 14.

99. In other developments, UNEP indicated that its proposed new marine and coastal strategy was expected to contribute to enhanced coordination of actions in collaborative frameworks addressing marine and coastal issues. It also highlighted extensive activities, including under the auspices of its regional seas programme. The secretariat of the Convention on Biological Diversity drew attention to its Sustainable

Ocean Initiative and the work of regional workshops to facilitate the description of areas meeting the scientific criteria for ecologically or biologically significant marine areas and to collect information on actions to facilitate the achievement of Aichi Biodiversity Target 11. FAO and the Intergovernmental Oceanographic Commission reported on a range of regional activities. In other contributions to the present report, regional activities relating to fisheries, as well as questions of environmental protection, including climate change, disaster management, maritime security, ocean governance, hydrography and the human dimension, were highlighted. Several organizations also highlighted efforts to increase cooperation with the United Nations system and with other international organizations in the course of their work.

100. Efforts to strengthen collaboration with other stakeholders also continued, including in the context of climate change (see para. 48 above). The Samoa Partnership Dialogue resulted in a small island developing States partnership toolbox that included policy tools for enhancing capacity in the design of partnerships for small island developing States and for assisting stakeholders in the monitoring and review of partnerships.

B. Building the capacity of States to implement the legal and policy framework for the oceans and seas

101. Many intergovernmental organizations undertook capacity-building initiatives with the overall objective of assisting developing States in sustainably managing ocean-based activities and resources, including through the implementation of the Convention and related instruments.

102. The International Seabed Authority continued to build the capacity of developing States in deep-sea research and technology through its contractor training programmes, the endowment fund for marine scientific research in the Area and the inaugural Secretary-General's award for excellence in deep-sea research. The International Tribunal for the Law of the Sea also continued to provide capacity-building, training programmes and workshops on dispute settlement under the Convention.

103. The Division for Ocean Affairs and the Law of the Sea provided information, advice and assistance to States and intergovernmental organizations and other stakeholders on the uniform and consistent application of the provisions of the Convention and related instruments, including through fellowship programmes, other capacity-building activities, participation in various conferences, meetings, workshops and training events and the management of trust funds.

Fellowships

104. In February 2019, a national of Togo was awarded the thirty-fourth Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea. The financial state of the Fellowship remains critical and contributions are urgently needed to ensure that at least one fellowship can be awarded annually.

105. Since 2004, 154 United Nations-Nippon Foundation of Japan Special Strategic Fellowship Awards in Ocean Affairs and the Law of the Sea have been made to nationals of 77 countries, including 12 in 2019. An alumni meeting was held in parallel to the Sustainable Blue Economy Conference in November 2018 (see para. 53 above).

106. Under the United Nations-Nippon Foundation Sustainable Ocean Programme, eight Critical Needs Fellowships have been awarded since 2018 and three Strategic Fellowships were awarded between 2015 and 2017. Award recipients from the

Bahamas, Chile, Mauritius and Myanmar participated in the Fellowship in 2019. Twenty-three Thematic Fellowships have been awarded since 2018. Twelve award recipients participated in the programme in 2019. Training related to the intergovernmental conference on an international legally binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction was delivered to 76 representatives of States in 2018, with additional training planned for the last quarter of 2019.

Technical assistance to States

107. Together with the United Nations Conference on Trade and Development, the Division for Ocean Affairs and the Law of the Sea implemented a project funded through the United Nations Development Account to assist Barbados, Belize and Costa Rica in developing evidence-based and policy-coherent oceans economy and trade strategies to support beneficiary countries in realizing economic benefits from the sustainable use of marine resources.

108. Following the successful completion of a project funded by the trust fund to support initiatives of States countering piracy off the coast of Somalia, the Division will continue to provide a customized technical and capacity-building programme through a new project funded by the trust fund, which will complement its previous activities and further reinforce the capacity of Somalia to address legislative barriers to the development of its maritime sectors and the sustainable development of its marine resources.

IX. Conclusions

109. Despite the progress made by the international community to address the challenges facing the oceans, the health, resilience and productivity of the oceans continues to deteriorate. Increased cumulative impacts of human activities have led to an unprecedented decline in marine biodiversity and in the health of marine ecosystems and, consequently, in the provision of ecosystem services upon which the world, especially coastal communities and small island developing States, depends. In particular, climate change is not only acting as a multiplier of these impacts, but also posing a threat to the existence of coastal communities in many parts of the world.

110. It is not too late to reverse the decline if we act now to significantly increase efforts in support of the conservation and sustainable use of the oceans, seas and their resources. Critical in this regard will be the full and effective implementation of the international legal framework for the ocean, with the Convention at its core, as well as implementation of the Paris Agreement and achievement of the 2030 Agenda. Policy coordination and coherence in addressing ocean issues will require enhanced integrated and cross-sectoral approaches, guided by the work of the General Assembly in matters relating to oceans and the law of the sea, with multi-stakeholder engagement and capacity-building needed at all levels.

111. There are several intergovernmental processes taking place later this year and in 2020, such as the intergovernmental conference on an international legally binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, which can support action towards this objective. The 2020 United Nations Conference to Support the Implementation of Sustainable Development Goal 14 can advance the implementation of Sustainable Development Goal 14. Moreover, the Climate Action Summit 2019 and the twenty-fifth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change will provide a timely opportunity to

address the interlinkages between oceans and climate frameworks, which will also be further addressed in the special report of the Intergovernmental Panel on Climate Change on the ocean and cryosphere in a changing climate.

112. The international community is also invited to seize the opportunity offered by the United Nations Decade of Ocean Science for Sustainable Development and the Regular Process to increase scientific understanding of the oceans and marine scientific research in order to strengthen and enhance the scientific basis for policymaking, including in terms of data dissemination and sharing as well as capacity-building and the development and transfer of marine technology.

113. International cooperation is crucial for success in addressing the challenges facing the oceans, including those of the people who depend on the oceans. It is essential not to forget the human dimension and to ensure the protection of the human rights of people also at sea, particularly noting the needs of the most vulnerable, including women and children. Strengthening international cooperation in relation to search and rescue operations at sea and the identification of places of safety for disembarkation is also imperative.
