



OCEAN ACTION HUB

OCEAN FORUM

“Enhancing the conservation and sustainable use of oceans and their resources by implementing international law as reflected in UNCLOS”

3 – 21 April 2017

Background Note

Target 14.c: Enhance the conservation and sustainable use of oceans and their resources by implementing international law as reflected in UNCLOS, which provides the legal framework for the conservation and sustainable use of oceans and their resources, as recalled in paragraph 158 of “The Future We Want”.

About the Forum

The [Ocean Action Hub](http://www.oceanactionhub.org) is hosting a series of online discussion over the course of the preparatory process for The Ocean Conference in order to engage stakeholders in assessing the challenges and opportunities related to delivering on SDG14 implementation. Bringing together governments, UN agencies, intergovernmental organizations, international financial institutions, NGOs, civil society organizations, academic institutions, the scientific community, private sector, philanthropic organizations and other actors, each online discussion will focus on one of the agreed Partnership Dialogue themes and implementation of relevant SDG targets and are being launched following the conclusion of the Preparatory Meeting in New York (15-16 February 2016). The final discussion is focused on enhancing the conservation and sustainable use of oceans and their resources by implementing international law as reflected in UNCLOS, SDG14.c.

About enhancing the conservation and sustainable use of oceans and their resources by implementing international law as reflected in UNCLOS

Target 14.c

¹The legal framework for the oceans is complex, and its effective implementation is critical to make progress on all the target areas of SDG14 and other ocean-related targets in the 2030 Agenda for Sustainable Development. The General Assembly and the international community have recognized the key contribution of the United Nations Convention on the Law of the Sea (UNCLOS) to the sustainable development of the oceans and seas and reaffirmed that it sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector. In several

¹ Source: Edited extract from the Background note of the Secretary-General for the preparatory process of the Ocean Conference A/71/212.

areas, global and regional instruments, accompanied in some cases by technical guidelines for their implementation and related management tools, have been adopted which give effect to the provisions of UNCLOS.²

At the global level, UNCLOS and its implementing agreements are supplemented by several instruments including global treaties relating to sustainable fisheries, pollution from ships, maritime safety, atmospheric pollution, release of hazardous substances into the environment, and the protection of certain species or habitats and the conservation and sustainable use of biodiversity. In addition, a host of soft law instruments also contain goals and targets, ranging from the outcome documents of the successive United Nations conferences and summits on sustainable development and the annual General Assembly resolutions on oceans and the law of the sea and on sustainable fisheries to guidelines, codes of conduct and programmes of action.

At the regional level, a number of instruments, including conventions establishing regional fisheries management organizations and arrangements (RFMO/As)³ and regional seas conventions,⁴ complement the global instruments. Many of the regional seas conventions have adopted protocols and related action plans to address various sources of pollution and also, in a few cases, on integrated coastal zone management. Regional seas conventions and action plans have also formulated common Regional Seas Strategic Directions to connect regional activities to global processes.

Consequently, a wide array of international legal instruments exists, covering many aspects of ocean management. In addition, continued efforts have been made to strengthen the international legal framework for the oceans and seas with additional instruments to address emerging challenges. In particular, the General Assembly decided to develop a legally-binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, and established a Preparatory Committee to that end. The International Seabed Authority has embarked on the development of regulations to manage the impacts of mining in the Area.

Although progress has been made in the development of the legal framework, concerted action is required in strengthening implementation of the existing international legal framework for oceans and seas. Not all States are parties to all the relevant instruments. In some cases, low levels of participation have substantially prevented or delayed their entry into force. The General Assembly has encouraged States that have not done so to become parties to relevant instruments, including UNCLOS and the United Nations Fish Stocks Agreement. But becoming parties to those instruments is not sufficient, as also recognized in the on-going call by the General Assembly for States to implement their obligations.

Although no comprehensive assessment of the state of implementation of the legal framework has been carried out, it can be noted that the General Assembly in its resolution 71/257 on oceans and the law of the sea noted with concern the findings of the First Global Integrated Marine Assessment that the world's ocean is facing major pressures simultaneously with such great impacts that the limits of its carrying capacity are being, or, in some cases, have been reached, and that delays in implementing solutions to the problems that have already been identified as threatening to degrade the world's oceans will lead, unnecessarily, to incurring greater environmental, social and economic costs.

Reviews of implementation have been carried out, but assessments remain incomplete owing to a low level of responses to reporting requirements and limited available information on how States have discharged their duties under relevant legally-binding instruments or have followed up on the

² See A/69/71/Add.1 and the annual Secretary-General's reports on oceans and the law of the sea at http://www.un.org/depts/los/general_assembly/general_assembly_reports.htm.

³ List available at www.fao.org/fishery/rfb/search/en.

⁴ List available at www.unep.org/ecosystemmanagement/water/regionalseas40/About/tabid/132267/Default.aspx.

calls for action of the General Assembly and other governing bodies of competent international organizations. In addition, when they exist, compliance mechanisms are rarely used or not used to their full extent.

It is clear, that effective compliance with, and enforcement of the provisions of UNCLOS and related legal instruments remains a challenge for all States, but in particular for developing countries and especially for small island developing States and least developed countries. In that regard, while efforts have been on-going to assist States in implementing their obligations or in becoming parties to the relevant instruments, a lot more remains to be done.

States, competent international organizations, the secretariats of various instruments and civil society have engaged in extensive efforts to build human capacity and raise awareness of States' obligations under various instruments, but challenges still remain, in particular in relation to financing, technology transfer and the development of human capacities in support of implementation, as well as in terms of integration and coordination.

In fact, it is critical for the effectiveness of the legal and policy framework that its implementation is based on holistic, cross-sectoral and integrated approaches at all levels. Policies related to ocean affairs are still largely fragmented in many States, their implementation frequently suffering from insufficient inter-sectoral coordination and the constraints resulting from competing interests.

Collaborative, multisectoral and pluridisciplinary solutions, based on the best science available, would also better address the multiple uses of the ocean and its resources and their cumulative impacts. Solutions must be understood and implemented coherently within the global, regional, national and local contexts, and often across these levels. Initiatives must recognize and address the need to enhance human capital and institutional capacity to support the achievement of the above objectives and to effectively implement agreed-upon commitments and solutions.

Looking to the future, it is therefore clear that meeting all the commitments under UNCLOS and other instruments, including the 2030 Agenda, will necessitate coordinated, integrated, multi-sectoral, multi-level and multi-stakeholder approaches to the sustainable development of oceans and their resources at national, regional and global levels, including with respect to capacity-building.

The international community must renew and intensify its efforts to strengthen capacity-building with a view to protecting oceans and providing an opportunity for all States to use their resources peacefully, equitably and sustainably for generations to come. To that end, an increased awareness and understanding of the interlinkages between global legal and policy frameworks and how they can support national/local frameworks and address capacity-needs is also essential.

Effective cooperation and coordination, as well as partnerships across all levels (from local to global) and sectors will be critical in that regard. Such cooperation can also be facilitated and stimulated by global-level dialogue and experience-sharing across regions.

Discussion Questions:

1. What are the **challenges** faced in your country, community or region in achieving Target 14.c.?
2. What do you see as the priority actions for achieving Target 14.c which we can all rally around in global '**Call for Action**'?
3. Please share any **innovative partnerships** aimed at achieving Target 14.c - existing or proposed - that you are aware of or involved in that can advance effective actions from local to global levels.

To participate, post your response in the discussion forum here:

<http://www.oceanactionhub.org/international-law-UNCLOS-discussion>