

**UN Office of the High Representative for the Least Developed Countries,
Landlocked Developing Countries and Small Island Developing States (UN-
OHRLLS) inputs to UNSG annual report on Oceans and the Law of the Sea.**

Small island developing States

Small Island Developing States (SIDS) have traditionally supported the United Nations efforts in the development of oceans governance. All SIDS¹ that can enter into treaties have either ratified or acceded to UNCLOS. However as was recognized in the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (MSI), implementation of UNCLOS continues to be impeded by financial constraints and a lack of capacity. Support to SIDS from the international community will need to be enhanced if SIDS are to properly implement UNCLOS. SIDS role as custodians to vast ocean spaces need to be supported with the necessary financial and technical support from the international community. These vast ocean spaces, within which SIDS are often scattered, and the marine resources that they contain not only benefit SIDS but they also benefit the wider global community.

Within the United Nations system, the recognition of SIDS as a “special case” in the context of the environment and development was first acknowledged at the United Nations Conference on Environment and Development in 1992 in Chapter 17 of Agenda 21 – a Chapter on ‘*Protection of the Oceans, All kinds of Seas, including Enclosed and Semi-enclosed seas, and Coastal areas and the Protection, Rational use and Development of their Living Resources*’. In the Rio+20 Outcome – the Future We Want – the international community urged the identification and mainstreaming of strategies by 2014 that further assist developing countries, in particular the least developed countries (LDCs) and SIDS, in developing their national capacity to conserve, sustainably manage and realize the benefits of sustainable fisheries, including through improved market access for fish products from developing countries². The International Community, in the Future We Want, also committed to observe the need to ensure access to fisheries, and the importance of access to markets, by subsistence, small-scale and artisanal fishers and women fish workers, as well as indigenous peoples and their communities particularly in developing countries, especially SIDS³.

One of the concrete outcomes of the Future We Want was the decision to convene the Third International Conference on SIDS in 2014, recognizing the importance of coordinated, balanced and integrated actions to address the sustainable development challenges facing SIDS. By General Assembly 67/207 the Assembly welcomed the offer by the government of the Independent State of Samoa to host the Conference.

¹ Antigua and Barbuda, Bahamas, Bahrain, Barbados, Belize, Cape Verde, Comoros, Cuba, Dominica, Dominican Republic, Fiji, Grenada, Guinea-Bissau, Guyana, Haiti, Jamaica, Kiribati, Maldives, Marshall Islands, Federated States of Micronesia, Mauritius, Nauru, Niue, Palau, Papua New Guinea, Samoa, Sao Tome and Principe, Singapore, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Seychelles, Solomon Islands, Suriname, Timor-Leste, Tonga, Trinidad and Tobago, Tuvalu, Vanuatu.

² The Future We Want, paragraph 174

³ Ibid, paragraph 175

UN-OHRLLS pursuant to its advocacy mandate on SIDS issues and in the context of the preparations for the Third International Conference on SIDS to be convened in Samoa on 1-4 September, 2014, convened an Expert Group Meeting (EGM) on ‘the Significance of Marine Science and Technology for SIDS and the Importance of Transfer of Marine Technology to SIDS to Support Sustainable Development’, jointly with UNESCO’s IOC and UN-DOALOS. The EGM made 20 recommendations which included calls for: accelerated efforts must be undertaken, including through the effective implementation of the Barbados Programme of Action for the Sustainable Development of SIDS and its Mauritius Strategy for implementation and in accordance with the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and other relevant instruments, to conserve and manage sustainably SIDS valuable marine resources; Improved coordination mechanisms at appropriately high levels within national authorities are needed to: (i) elevate science-based policy discourses on oceans governance and marine resources management and (ii) raise awareness among what are comparatively small populations and small land masses in globally important spaces; The collection of data and information, including in particularly those collected in areas under SIDS jurisdiction, should be carried out pursuant to the provisions of UNCLOS on marine scientific research, including article 244; Article 276 of UNCLOS be implemented in SIDS to allow for a coordinated approach involving global and regional oceans and marine science institutions, including those indigenous to SIDS, to enhance support for SIDS capacity development on marine science research and technology, and facilitate the transfer of marine technology to SIDS;

The High Representative for LDCs, LLDCs and SIDS participated in a Summit of Caribbean Political and Business Leaders which launched a second phase of the *Caribbean Challenge Initiative (CCI)* to accelerate marine conservation action in the Caribbean, during May 17 – 18, 2013 in the British Virgin Islands. The Summit was co-hosted by Dr. the Right Hon. Keith C. Mitchell (Prime Minister of Grenada), Dr. the Hon D. Orlando Smith, OBE (Premier of the British Virgin Islands), and Sir Richard Branson (Founder of the Virgin Group). The event brought together—for the first time—government leaders from Caribbean countries and territories, business leaders of companies with operations in the region, and key partners (e.g. development partners, multilateral agencies, private foundations, and NGOs) to agree on a shared vision for the region’s marine and coastal environment, and to chart a course on how to achieve this vision. The Summit helped to galvanize US \$75 million in funding commitments to safeguard the marine and coastal environment, along with commitments to take new marine conservation actions and to put in place more sustainable business practices. Eight governments signed the *Leaders Declaration* and 15 companies signed the *Corporate Compact*, formally committing to work together to protect at least 20% of the marine and coastal environment of the Caribbean by 2020. The consensus reached during the Informal, High-level Leaders Dialogue at the outset of the meeting was summarized in a *Summit Communiqué*, which highlighted some new issues for further action, such as protection for sharks and rays across the Caribbean region, and alternative energy.

The theme for the Forty-Third Pacific Island Leader’s Forum convened in the Cook Islands on 28-30 August, 2012, was “Large Oceans Island States – the Pacific

Challenge”. The theme aimed at striking a balance between sustaining the development of our marine resources with the interests of preservation and conservation. The Communiqué of the meeting stated that 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 Communiqué also recognized the Pacific Island Leaders’ aspirations to maximise sustainable economic returns for Forum Members from ocean resources, including fisheries and seabed minerals, in accordance with the precautionary approach of Rio Principle 15.

Land locked developing countries

Landlocked countries not only face the challenge of distance, but also the challenges that result from a dependence on passage through a sovereign country, i.e., one which trade from a landlocked country must pass in order to access international shipping markets. Although there is a legal basis for rights of landlocked developing countries to access to and from the sea, as outlined in Article 125(1) of the United Nations Convention of the Law Of the Sea (UNCLOS) (1982), in practice, this right of access must be agreed upon with the transit neighbour (Article 125(2) and (3) and is determined by the relationship and cooperation between the countries concerned.

Of the 31 landlocked developing States⁴ (LLDCs) 18 have either ratified or acceded UNCLOS⁵, with Swaziland being the most recent having ratified the convention on 24 September, 2012. Some seven⁶ are signatories. Six⁷ LLDCs have not signed, acceded to or ratified UNCLOS. General Assembly resolution 46/214 titled: *Groups of countries in special situations: specific actions related to the particular needs and problems of landlocked developing countries: outcome of the International Ministerial Conference of Landlocked and Transit Developing Countries and Donor Countries and International Financial and Development Institutions on Transit transport Cooperation*, reaffirmed the right of access of landlocked countries to and from the sea and freedom of transit through the territory of transit countries by all means of transport, in accordance with the applicable rules of international law.

One of the main objectives of the Almaty Programme of Action: Addressing the Special Needs of Landlocked Developing Countries within a New Global Framework for Transit Transport Cooperation for Landlocked and Transit Developing Countries (APoA) was to (a) secure access to and from the sea by all means of transport according to applicable rules of international law. The APoA also recognized that Lack of territorial access to the sea, remoteness and isolation from world markets have contributed to their relative

⁴ Afghanistan, Armenia, Azerbaijan, Bolivia, Botswana, Burkina Faso, Bhutan, Burundi, Central African Republic, Chad, Ethiopia, Kazakhstan, Kyrgyzstan, Lao People Democratic Republic, Lesotho, Malawi, Mali, Mongolia, Nepal, Niger, Paraguay, Republic of Moldova, Rwanda, Swaziland, The former Yugoslav Republic of Macedonia, Tajikistan, Turkmenistan, Uganda, Uzbekistan, Zambia, Zimbabwe

⁵ Armenia, Bolivia, Botswana, Burkina Faso, Chad, Lesotho, Lao People’s Democratic Republic, Malawi, Mali, Mongolia, Nepal, Paraguay, Republic of Moldova, Swaziland, The former Yugoslav Republic of Macedonia, Uganda, Zambia, Zimbabwe

⁶ Afghanistan, Bhutan, Burundi, Central African Republic, Ethiopia, Niger, Rwanda,

⁷ Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan

poverty, substantially inflating transportation costs and lowering their effective participation in international trade by LLDCs.

The key challenge for LLDCs with regard to the implementation of UNCLOS is how both landlocked and transit developing countries fulfil the obligations incumbent upon State Parties under the Convention. In this endeavour, the role of United Nations will be critical in the monitoring of, collection of information on and reporting on State practice in the implementation of the Convention.