



UNCLOS at 30



United Nations
Convention on the Law of the Sea

UNCLOS at 30

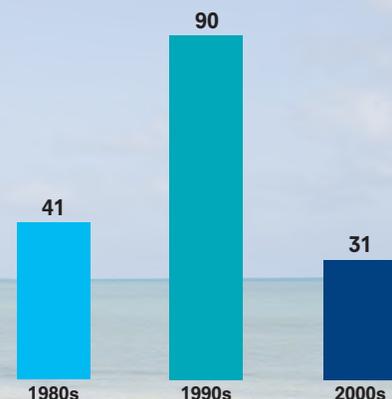
1. Introduction

Oceans are key to sustaining life on the planet. They cover more than 70% of the Earth and they constitute one of the most essential bases for human life, either because of the richness of their living resources and unlimited energy sources, or simply because, by connecting us all, oceans offer an essential means of transportation for people and trade. Marine biodiversity among other things, produces a third of the oxygen we breathe, moderates global climate conditions, and provides valuable source of protein for human consumption. Furthermore, the potential energy output derived from oceans well exceeds current and future human energy needs. Finally, 80% of the volume of global trade is seaborne; representing 70% of its value, which is expected to increase by 36% by 2020.

The United Nations Convention on the Law of the Sea

The year 2012 marks the 30th anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea (“UNCLOS” or “the Convention”), which, as at 24 October 2012, has 164 parties, including the European Union. Ecuador and Swaziland deposited their instruments to become party on 24 September 2012. UNCLOS was opened for signature at Montego Bay, Jamaica, on 10 December 1982 and entered into force on 16 November 1994. One of its implementing agreements, namely the 1994 Agreement relating to the implementation of Part XI of UNCLOS, was adopted on 28 July 1994 and entered into force on 28 July 1996. The other implementing agreement, the 1995 United Nations Fish Stocks Agreement (“Fish Stocks Agreement”) was opened for signature on 4 December 1995 and entered into force on 11 December 2001. Together,

Number of ratifications of, accessions and successions to the UNCLOS per decade



UN Photo/Eskinder Debebe



these three instruments provide a comprehensive legal regime for all activities in the oceans and seas.

The regime for oceans and seas established by UNCLOS deals with a wide range of issues on ocean affairs and recognizes that the problems of ocean space are closely interrelated and need to be considered as a whole. Participation in UNCLOS is open to all States, including States that are not Members of the United Nations, such as the Holy See, the Cook Islands, and Niue, as well as to entities such as the European Union.

The opening for signature of UNCLOS marked the culmination of many years of intense negotiations, particularly dating from 1958 when the First United Nations Conference on the Law of the Sea was convened.

2. Key Provisions

a. Limits of Maritime Zones

Maritime zones

Under the Convention, a coastal State is entitled to a territorial sea not exceeding 12 nautical miles measured from its baselines. Within its territorial sea, the coastal State exercises sovereignty, including over its resources. Subject to the provisions of the Convention, ships of all States enjoy the right of innocent passage through the territorial sea. The Convention also grants a coastal State the right to establish a contiguous zone not extending beyond 24 nautical miles from the baselines. Within its contiguous zone, the coastal State may exercise the control necessary to prevent and punish infringement of customs, fiscal, immigration or sanitary laws and regulations that have occurred within its territory or territorial waters and to control, in specified circumstances, the trafficking of archaeological and historical objects.

In addition, a coastal State may establish an exclusive economic zone not extending beyond 200 nautical

miles from its baselines, where the coastal State has sovereign rights for the purposes of exploring and exploiting, conserving and managing natural living or non-living resources of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds. In the exclusive economic zone, the coastal State has jurisdiction with regard to the establishment and use of artificial islands, installations and structures, marine scientific research and protection and preservation of the marine environment.

Further, under the Convention a coastal State exercises sovereign rights over its continental shelf for the purpose of exploring and exploiting its mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species. These rights are inherent and do not depend on occupation, effective or notional, or on any express proclamation. The Convention also gives coastal States jurisdiction over their continental shelf with regard to the establishment and use of artificial islands, installations and structures; drilling of the continental shelf; cables and pipelines constructed or used in connection with exploration of the continental shelf and exploitation of its natural resources or to the operations of artificial islands, installations and structures; marine scientific research; and the prevention, reduction and control of pollution of the marine environment arising from or in connection with seabed activities.

Pursuant to the Convention, the continental shelf comprises the seabed and subsoil of the submarine areas that extend beyond the territorial sea of coastal States up to 200 nautical miles from the baselines. In the cases in which the continental shelf extends beyond 200 nautical miles from the baselines, coastal States are required by the Convention to submit information on the outer limits of the continental shelf beyond 200 nautical miles to the



Commission on the Limits of the Continental Shelf for its consideration. The Commission makes recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf. The limits of the continental shelf established by a coastal State on the basis of the recommendations adopted by the Commission are final and binding.

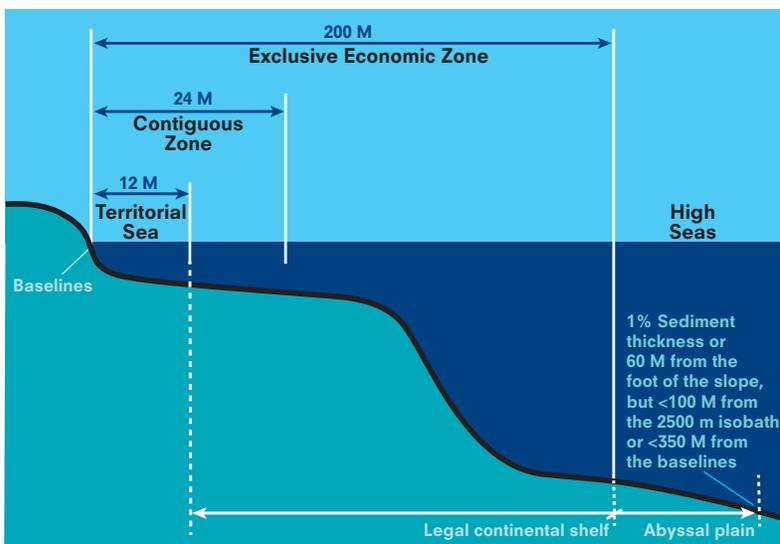
All parts of the sea that are not included in the exclusive economic zone, the territorial sea or the internal or archipelagic waters of a State, are known as the high seas. On the high seas all States have the freedom of navigation, of overflight, to lay submarine cables and pipelines, to construct artificial islands and other installations, of fishing, and of scientific research. These freedoms must be exercised with due regard for the interests of other States in their exercise of the freedom of the high seas.

The seabed and ocean floor and subsoil thereof beyond the limits of national jurisdiction constitute the “Area”. The Convention provides that the Area and its resources are the “common heritage of mankind”. In this context, the Convention defines “resources” as “all solid,

liquid or gaseous mineral resources in situ in the Area at or beneath the seabed, including polymetallic nodules.” No State can claim or exercise

...the Convention provides that the Area and its resources are the “common heritage of mankind”...

sovereignty or sovereign rights over any part of the Area or its resources, nor can any State or natural or juridical person appropriate any part thereof. On the contrary, all rights in the resources of the Area are vested in mankind as a whole. An organization established by the Convention, the International Seabed Authority, organizes and



controls activities in the Area, particularly with a view to administering resources in the Area. The Convention provides that activities in the Area shall be carried out for the benefit of mankind.

Both the high-seas and the Area can only be used for peaceful purposes.

b. Rights of passage and navigation

The Convention preserves the right of innocent passage for foreign ships in the territorial sea of a coastal State. Additionally, ships and aircraft of all States are allowed “transit passage” through straits used for international navigation and States bordering such straits can regulate navigational and other aspects of transit passage.

In the exclusive economic zone and on the high seas, all States including land-locked States have the freedom of navigation. Land-locked States also have the right of access to and from the sea and the right to enjoy freedom of transit through the territory of transit States.

c. Peace and Security of oceans and seas

Maritime security and the safety of life at sea are threatened by a number of criminal activities, such as piracy and armed robbery against ships, terrorist attacks against shipping and maritime installations, hijackings,





UN Photo/Marco Dormino

the smuggling of arms and hazardous wastes, smuggling of migrants and other human trafficking by sea, illicit traffic in narcotic drugs and psychotropic substances, illegal fishing and dumping of toxic wastes, the illegal discharge of pollutants, and other violations of environmental laws. Competing claims by States regarding ocean space and natural resources in the oceans, which often result in protracted maritime boundary disputes, can also lead to tensions between States.

By providing a framework for the regulation of all activities related to the uses of the oceans and seas, the Convention strengthens peace, security, cooperation and friendly relations among all States. The Convention sets out the rights and duties of coastal and flag States with regard to the exercise of their criminal jurisdiction in the respective maritime zones. The Convention also provides a basis for cooperation by, among others, calling

on States to cooperate to the fullest possible extent in the repression of acts of piracy and in the suppression of illicit traffic in narcotic drugs and psychotropic substances.

d. Conservation and management of marine living resources

Under the Convention, responsibility for ensuring the long-term sustainability of living marine resources within the 200 nautical mile exclusive economic zone rests with coastal States. On the high seas, States have a duty to cooperate with other States in adopting measures to manage and conserve living resources. These provisions are further implemented by the Fish Stocks Agreement, which provides the legal regime for the conservation and management of straddling and highly migratory fish stocks, including regarding the establishment of regional fisheries management organizations and arrangements (RFMOs/As) as the primary vehicle for cooperation between States.



During the past 30 years, the Convention, along with the Fish Stocks Agreement and other international instruments, have provided the legal framework to address ongoing challenges in the conservation and management of living marine resources, such as: management of fishing capacity; prevention of illegal, unregulated and unreported (IUU) fishing; and reduction of incidental catch of other marine species. These issues have also been considered on an annual basis by the General Assembly in the context of its resolution on sustainable fisheries. Meetings of the Review Conference on the Fish Stocks Agreement have also addressed continuing problems in the conservation and management of straddling and highly migratory fish stocks.

Despite these actions, fish stocks continue to decline throughout the world. Further efforts are needed to promote sustainable fisheries and enhance the implementation of existing instruments in order to ensure that fisheries continue to make a contribution to food security and economic growth.

e. Protection and preservation of the marine environment

Marine ecosystems and biodiversity are not only essential to the healthy functioning of the Earth and its atmosphere, but also to human life and development. The oceans' regenerative capacity is increasingly under pressure from human activities, such as overutilization of marine living resources, the use of destructive practices, the introduction of invasive alien species and marine pollution from all sources.

However, the biggest threat to the health of the marine environment stems from land-based activities. Pollutant and nutrient input into the marine environment can disrupt the delicate balance of marine ecosystems and destroy in particular vulnerable ecosystems. This type of pollution poses danger to human health by contaminating shell fisheries, water intakes and bathing



UN Photo/Marine Perret



areas. It also introduces significant amounts of plastics and other debris to coastal waters, threatening marine life through entanglement, suffocation and ingestion.

The problems facing the marine environment are closely interrelated and cannot be tackled in isolation, but must be resolved through integrated management of resources and environmentally sound economic development.

The Convention requires all States to protect and preserve the marine environment, including rare or fragile ecosystems and the habitat of endangered species. They are also required to take all measures consistent with the Convention to prevent, reduce and control pollution of the oceans. The Convention is complemented by a number of other legal instruments which address specific sources of pollution or other adverse impacts on the marine environment.

f. Marine scientific research

Marine scientific research is a critical underpinning of effective measures to preserve the marine environment and ensure the sustainable use of ocean resources. The Convention requires States and competent international organizations to promote and facilitate marine scientific research, including through cooperation.

Since coastal States have sovereignty over their territorial sea, they have sole entitlement to research in these waters. In the exclusive economic zone and continental shelf, the prior consent of the coastal State is required for any research activity. The Convention states that, under normal circumstances, consent for research should be granted, and not unreasonably delayed or denied. In the 30 years since the adoption of the Convention, considerable progress has been made in marine science, including the discovery of new species and new features in the ocean depths.

g. Dispute settlement procedures

Under the Charter of the United Nations, States are required to settle their international disputes by peaceful means. This is echoed in the Convention which requires States to settle any disputes between them concerning the interpretation or application of the Convention by peaceful means. If parties to a dispute cannot resolve their dispute through bilateral means, the Convention gives them a choice among four procedures, entailing binding decision, as follows: submission of the dispute to the International Tribunal for the Law of the Sea, adjudication by the International Court of Justice, submission to binding international arbitration procedures or submission to special arbitration tribunals with expertise in specific types of disputes. All of these procedures involve binding third-party settlement, in which an agent other than the parties directly involved renders a decision that the parties are committed in advance to respect.

The only exception to these provisions is made for sensitive cases involving national sovereignty. In such circumstances, the parties are obliged to submit their dispute to a conciliation commission, but they will not be bound by any decision or finding of the commission. Over the past 30 years, arbitral tribunals, the International Court of Justice and the International Tribunal for the Law of the Sea have heard many cases on the law of the sea.

3. Institutional bodies established under UNCLOS

a. The International Seabed Authority

The International Seabed Authority is the intergovernmental organization through which States Parties to UNCLOS organize and control activities in the Area, particularly with a view to administering the resources



of the Area. The Authority was established on 16 November 1994, upon the entry into force of the Convention, and became fully operational in June 1996. Its headquarters are in Kingston, Jamaica. Its organs include the Assembly, the Council and the Secretariat. In addition, the authority has two subsidiary organs, the Legal and Technical Commission and the Finance Commission.

At the time of the adoption of the Convention, concerns based on market principles necessitated the re-evaluation of some aspects of the regime for the Area and its resources as provided for in Part XI of the Convention. Following negotiations relating to those provisions, an Agreement Relating to the Implementation of Part XI of the Convention was concluded and entered into force in 1994.

The main functions of the Authority are to administer the mineral resources of the Area; to adopt rules, regulations and procedures for the conduct of activities in the Area; to promote and encourage marine scientific research in the Area; and to protect and conserve the natural resources of the Area and prevent damage to the flora and fauna of the marine environment. It acts on behalf of mankind and provides for the equitable sharing of financial and other economic benefits derived from activities in the Area.

Among the main accomplishments of the Authority is the adoption of a “Mining Code,” a comprehensive set of rules, regulations and procedures issued to regulate prospecting, and exploration of marine minerals in the Area. It includes the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, adopted in 2000; the Regulations on Prospecting and Exploration for Polymetallic Sulphides in the Area, adopted in 2010; and the Regulations on Prospecting and Exploration for Cobalt-Rich Crusts, adopted in 2012. These Regulations enable the Authority to sign contracts for exploration with investors. Work will begin in 2013 on draft exploitation regulations.

b. The International Tribunal for the Law of the Sea

The Tribunal, which is based in Hamburg, Germany, was established following the entry into force of the Convention in 1994 and became fully operational in 1996. The Tribunal is composed of 21 independent members elected by secret ballot by the States Parties to the Convention from among persons enjoying the highest reputation for fairness and integrity and of recognized competence in the field of the law of the sea. Members are elected for nine years and may be re-elected; the terms of one third of the members expire every three years. The Tribunal consists of a number of Chambers specialized in various categories of disputes, namely, Seabed Disputes; Summary Procedure; Fisheries Disputes; Marine Environment Disputes; and Maritime Delimitation Disputes. In addition, the Tribunal will form a chamber to deal with a particular dispute if the parties so request. In all other cases, disputes are handled by the Tribunal as a whole. The administrative organ of the Tribunal is the Registry.

The Tribunal may obtain jurisdiction in several ways. First, the Tribunal may have jurisdiction to adjudicate disputes arising out of the interpretation and application of the Convention when all parties to such a dispute have selected the Tribunal as a first choice among the dispute settlement options provided by the Convention. More broadly, the Tribunal may have jurisdiction with respect to all matters specifically provided for in any other agreement which confers jurisdiction on the Tribunal (for instance, the 1995 Fish Stocks Agreement incorporates by reference the dispute settlement provisions of the Convention). The Tribunal can also order provisional measures. Furthermore, it has jurisdiction in “prompt release” cases, which are cases involving situations in which a coastal State has detained a foreign flag vessel or its crew.

The Tribunal may obtain jurisdiction when it has been selected for this purpose by the parties to the

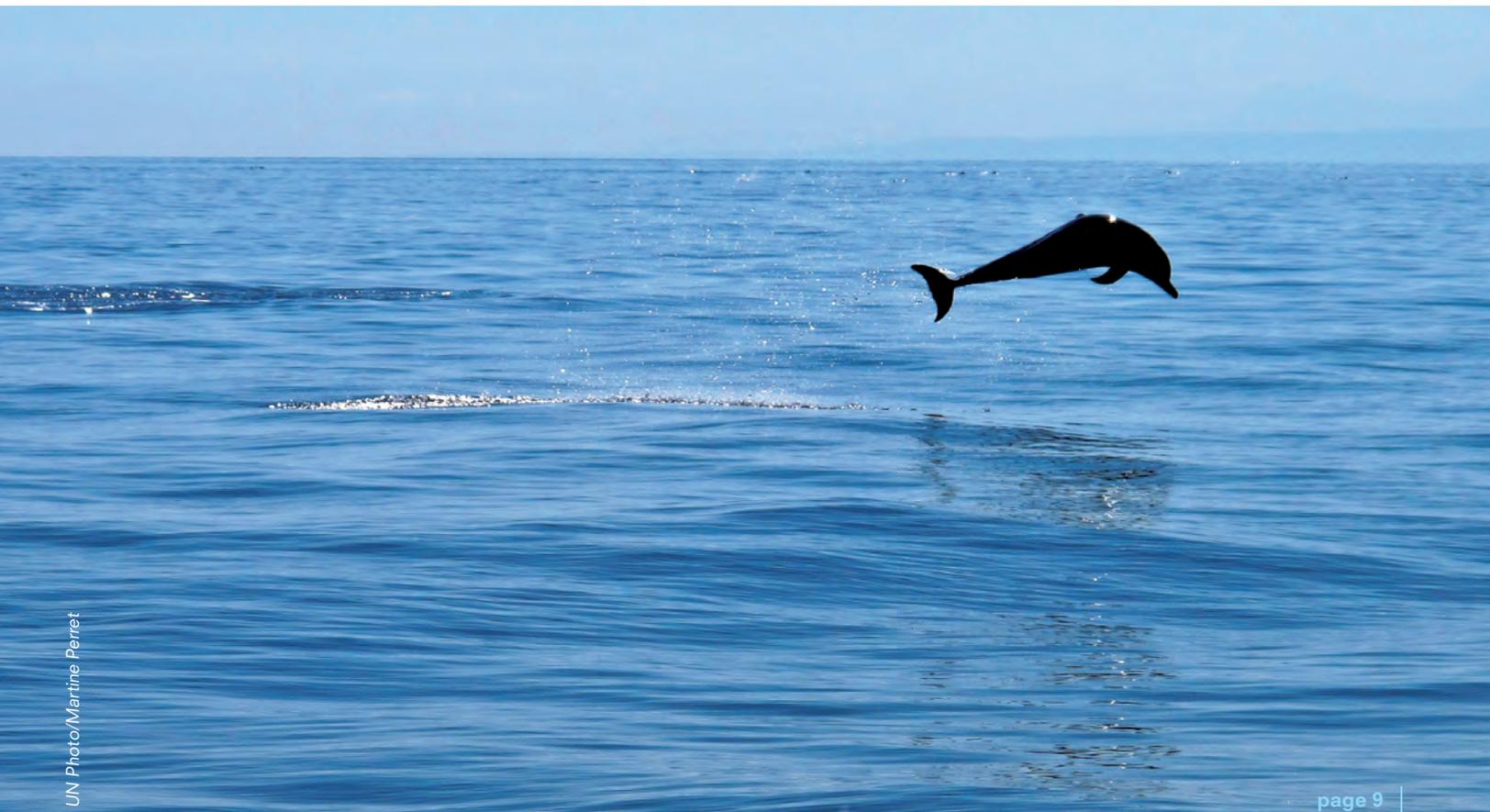


dispute through a special agreement. In addition, the Tribunal may issue advisory opinions in certain instances.

A total of nineteen cases have been submitted to the Tribunal since its inception, covering issues such as prompt release, provisional measures, and maritime boundary delimitation. The Tribunal has adjudicated 16 of these cases. On 14 March 2012, the Seabed Disputes Chamber of the Tribunal delivered its first maritime delimitation judgment in the Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal. On 1 February 2011, at the request of the Council of the International Seabed Authority, the Seabed Disputes Chamber of the Tribunal delivered its first Advisory Opinion on the Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area.

c. The Commission on the Limits of the Continental Shelf

The Commission is composed of 21 members who are experts in geology, geophysics, or hydrography. States Parties to the Convention elect them from among their nationals having due regard to equitable geographical representation. The members of the Commission serve in their personal capacity. The principal function of the Commission is to consider data and other material submitted, in accordance with article 76 of the Convention, by coastal States concerning the outer limits of the continental shelf beyond 200 miles and to make recommendations thereon. The limits established by coastal States on the basis of the recommendations of the Commission are final and binding. Coastal States must deposit with the Secretary-General of the United Nations nautical charts and all relevant information. The Secretary-General, in turn, gives due publicity to such information.



The Commission also provides, upon request, scientific and technical advice to coastal States during the preparation of their submission to the Commission concerning the outer limits of their continental shelf extending beyond 200 nautical miles. A voluntary trust fund administered by the Division provides some resources to assist developing States in the preparation of their submissions.

The workload of the Commission has increased considerably over the years, and the number of submissions made pursuant to article 76 of the Commission as at November 2012 stood at 61. The Secretariat has also received 46 sets of preliminary information indicative of future submissions. To date, the Commission has issued 18 sets of recommendations. This large number of submissions as well as the recommendations underscores the significant role of the Commission in the effective implementation of article 76 of the Convention.

As at November 2012, three States had delineated the outer limits of their continental shelves on the basis of the CLCS recommendations, and deposited with the Secretary-General relevant data, including lists of geographical coordinates of points, making these limits final and binding.

4. Deliberative and other bodies

a. The General Assembly of the United Nations

The General Assembly of the United Nations has been providing stewardship of the world's oceans and seas since the establishment of the Organization. It was the General Assembly that convened the Third United Nations Conference on the Law of the Sea which adopted the Convention. It was also the General Assembly that convened the 1992 United Nations Conference on Environment and Development (the Earth Summit) which adopted Agenda 21. Chapter 17 of Agenda 21 sets out a

programme of action for “the 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”.

The oceans were also one of the critical issues reviewed at the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, from 20 to 22 June 2012 (Rio + 20 Conference). The outcome document “The future we want”, as endorsed through General Assembly resolution 66/288 of 27 July 2012, recognizes the importance of the legal framework provided by UNCLOS for achieving conservation and sustainable use of the oceans and seas and their resources and calls upon States to implement their obligations under it.

...the General Assembly of the United Nations has been providing stewardship of the world's oceans and seas since the establishment of the Organization...

As the main deliberative body of the United Nations, the General Assembly is in a unique position to give effect to the fundamental principle laid down in the Convention that “the problems of ocean space are closely inter-related and need to be considered as a whole.”

Convinced of the importance of its annual consideration and review of ocean affairs and the law of the sea, the General Assembly has been carrying out such annual reviews since 1994, based on annual comprehensive reports prepared by the Secretary-General. The General Assembly has also established some processes and working groups to assist it in this task.

b. Processes and Working Groups established by the General Assembly of the United Nations

United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

The United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (Informal





Consultative Process) was established in 1999 in order to facilitate the General Assembly's annual review of developments in ocean affairs and the law of the sea, by considering the relevant Secretary-General's reports and by suggesting particular issues for consideration by the General Assembly, with an emphasis on identifying areas where international coordination and cooperation should be enhanced. The Informal Consultative Process was initially established for a three-year period. However, considering its contribution to strengthening the General Assembly's annual debate on oceans and the law of the sea, it has been continued over the years. The topics of focus for the meetings of the Informal Consultative Process are decided by the General Assembly in its annual resolution on "Oceans and the law of the

sea". These topics have included, among others, sustainable fisheries, marine science and the development and transfer of marine technology, capacity-building cooperation and integrated ocean management, safety of navigation, ecosystem approaches and oceans, marine genetic resources, and marine renewable energies.

Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-economic Aspects

Following a recommendation of the 2002 World Summit on Sustainable Development, the Regular Process was established by the General Assembly for global reporting and assessment of the state of the marine environment, including socioeconomic aspects, both current and foreseeable, building on existing regional



assessments”. The General Assembly has decided that the task of the first cycle of the Regular Process (2010 to 2014) will consist in the preparation and release of the first global integrated marine assessment of the world’s oceans and seas, including socioeconomic aspects in 2014. Experts from all over the world will contribute to this task. Workshops are being organized in different regions of the world in order to support the first cycle of the Regular Process. The Division is providing secretariat support to the Regular Process activities.

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

In recent years, the international community has become increasingly aware of the range of services provided by marine ecosystems and of the rich biodiversity beyond the limits of national jurisdiction, as well as of the challenges faced in their conservation and sustainable use. In 2004, the General Assembly established an Ad Hoc Open-ended Informal Working Group to study the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction in all its scientific, technical, economic, legal, environmental, economic as well as socioeconomic aspects, and indicate possible options and approaches to promote international cooperation and coordination. In 2011, the General Assembly decided to initiate, within the Working Group, a process to ensure that the legal framework for the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction effectively addresses those issues. To this end, the General Assembly requested the Working Group to identify gaps and ways forward, including through the implementation of existing instruments and the possible development of a multilateral agreement under UNCLOS. The process is to take place in the existing Working Group and in the format of intersessional workshops aimed at improving understanding of the issues and clarifying key

questions as an input to the work of the Working Group. The outcome document of the Rio+20 Conference, “The future we want”, also addresses this matter.

c. Meetings of States Parties to UNCLOS

As at June 2012, 22 meetings of States Parties have been convened by the Secretary-General, pursuant to UNCLOS. Among other things, the meeting elects the members of the International Tribunal for the Law of the Sea and the members of the Commission on the Limits of the Continental Shelf. It considers, annually, the report of the Tribunal and deals with this latter’s budgetary and administrative matters. The Meeting of States Parties also receives information provided by the Authority and the Commission on the activities of these bodies, as well as reports of the Secretary-General of the United Nations containing information on issues of a general nature relevant to States Parties that may arise with respect to UNCLOS.

5. Thematic issues

The following is a non-exhaustive list of thematic issues related to oceans and seas.

a. Ocean noise

The international community has recently recognized the fact that human-generated underwater noise is a source of marine pollution and a threat to marine ecosystems and living resources. Sources of anthropogenic ocean noise include commercial and non-commercial shipping, air guns used to carry out seismic surveys, military sonar, underwater detonations and construction, resource extraction and fishing activities. Offshore wind farms have also been identified as sources of noise, and other new technology to capture marine renewable energy, for example wave and tidal generators may be additional sources. While significant economic and socioeconomic



benefits are associated with these activities, they can generate noise that may impact marine living resources.

In light of this adverse phenomenon, the General Assembly has encouraged further studies and consideration of the impacts of ocean noise on marine living resources. In this regard, the Division has compiled peer-review scientific studies received from Member States and made them available on its website.

b. Oceans and climate change

The oceans play a vital role in the global climate system. They produce oxygen and absorb carbon dioxide from the atmosphere, while also providing essential goods and services for sustaining life on Earth. Climate change and ocean acidification, caused by increased levels of carbon dioxide in the atmosphere, are bringing about changes in the oceans that include rises in sea level and vulnerability to coral and plankton structures, which are undoubtedly putting coastal communities at risk.

The General Assembly has expressed its serious concern over the current and projected adverse effects of climate change on the marine environment and marine biodiversity, and it has emphasized the urgency of addressing this issue. It has also expressed its concern over the current and projected adverse effects of climate change on food security and the sustainability of fisheries.

c. Piracy and armed robbery at sea

There has been an increase in acts of piracy and armed robbery at sea, particularly off the coast of Somalia, in the Western Indian Ocean and in the Gulf of Guinea in West Africa. These criminal acts can have widespread ramifications including endangering the welfare of seafarers which sometimes results in the loss of life, physical harm or hostage-taking of seafarers. Acts of piracy and armed robbery also cause significant disruptions to commerce and navigation including preventing the delivery of humanitarian assistance, financial losses to

shipowners, increased insurance premiums and security costs, increased costs to consumers and producers, and may cause damage to the marine environment.

The Security Council has repeatedly reaffirmed that international law, as reflected in the Convention, sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities. The Convention requires all States to cooperate to the fullest possible extent in the repression of piracy. The General Assembly has also repeatedly encouraged States to cooperate to address piracy and armed robbery at sea in its resolutions on oceans and the law of the sea. In this regard, States have developed a number of cooperating mechanisms to facilitate the arrest, detention and prosecution of persons suspected of these heinous crimes.

...the Convention provides the framework for the repression of piracy under international law...

d. Marine renewable energy

Marine renewable energy may have a significant role in reducing reliance on non-renewable energy sources that produce emissions of greenhouse gases, including CO₂, assisting to mitigate the adverse effects caused by climate change. Currently, only offshore wind energy has reached an acceptable level of development to be considered competitive. However, there are other less developed technologies that obtain energy from the seas and oceans, including wave and tidal energy, energy from currents, ocean thermal energy and salinity gradient energy.

Notwithstanding the viable source of renewable marine energy the oceans represent, the deployment of certain technologies into the marine environment may lead to environmental harm. At this stage, relatively little is known about the potential impacts of renewable energy development on various forms of marine life.





UN Photo/Eskinder Debebe

6. Secretary-General's Oceans Compact

At the 2012 Yeosu International Conference under the theme “Commemorating the 30th Anniversary of the Opening for Signature of the United Nations Convention on the Law of the Sea” was held on 12 August 2012, on the closing day of the 2012 Yeosu Expo. The Conference was co-sponsored by the United Nations (Division for Ocean Affairs and the Law of the Sea/Office of Legal Affairs), the Ministry of Foreign Affairs and Trade of the Republic of Korea and the Korea Maritime Institute, in cooperation with the Organizing Committee for the Expo 2012 Yeosu Korea. During the Conference, the Secretary-General launched the “Oceans Compact”, an initiative designed to strengthen UN system-wide coherence in the delivery of oceans-related mandates, consistent with the Rio + 20 outcome document and with existing instruments, in particular UNCLOS. The goals of the Compact are: protecting people and improving the health of the oceans; protecting,

recovering and sustaining the ocean's environment and natural resources and restoring their full food production and livelihood services; and strengthening ocean knowledge and the management of oceans.

7. The Division for Ocean Affairs and the Law of the Sea

The Division for Ocean Affairs and the Law of the Sea (DOALOS), as one of the organizational units in the Office of Legal Affairs, is part of the United Nations Secretariat, which, by virtue of article 7 of the Charter of the United Nations, is one of the six principal organs of the United Nations. The Director of DOALOS is accountable to the Legal Counsel of the United Nations who reports to the Secretary-General.

DOALOS is the focal point in the United Nations Secretariat for ocean affairs and the law of the sea. It discharges the functions in the field of oceans and the



law of the sea entrusted to the Secretary-General of the United Nations under UNCLOS and related General Assembly resolutions.

Among others, DOALOS' functions include:

- » Promoting universal participation in UNCLOS;
- » Facilitating the Convention uniform and consistent application; and
- » Assisting States in implementing the Convention.

The Division has consistently been recognized by Member States and the international community for its role in contributing to the wider acceptance and uniform and consistent application of UNCLOS and its effective implementation.

The Division also performs liaison functions for the International Tribunal for the Law of the Sea (ITLOS) and cooperates with the International Seabed Authority (ISA). It further administers a number of Trust Funds and provides technical assistance and capacity-building to States.

In order to effectively discharge its mandate, the Division presently has a total of 31 multi-disciplinary staff composed mainly of professionals, the majority of whom are lawyers as well as a number of Geographic Information Systems (GIS) Officers and a team of support staff.

The Division has technical and infrastructure facilities which include three state-of-the-art GIS labs, and a large conference room with audio-video equipment; office space, computers, plotters and printers, in order to carry out its secretariat services to the Commission on the Limits of the Continental Shelf ("the Commission"), a body established by the Convention. Pursuant to General Assembly resolution 66/231 adopted on 24 December 2011, the human resource capacity of the

Division has been reinforced through the allocation of additional geographic information system, legal and administrative posts to support the secretariat services provided to the Commission.

The United Nations—Nippon Foundation of Japan Fellowship

The United Nations—Nippon Foundation of Japan Fellowship established in 2004 provides nine-month opportunities for advanced research and training in the field of ocean affairs and the law of the sea, and related disciplines including marine science in support of management frameworks, to Government officials and other mid-level professionals from developing States. The Fellowship is designed so participants may obtain the necessary knowledge to assist their countries to formulate comprehensive ocean policy and to implement the legal regime set out in UNCLOS and related instruments. Highly customised research programmes are developed and implemented in partnership with some 50 academic institutions world-wide, and is complimented by a three month practicum placement within the United Nations Headquarters in New York. The Fellowship also ensures continuing professional development and fosters global networking through its structured Alumni Programme. Since 2005, 90 individuals from 58 States have been awarded Fellowships under this programme and the Alumni have held three Regional Meetings.

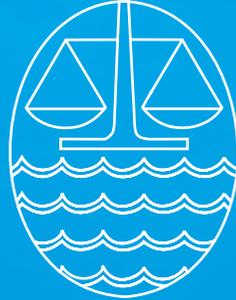
The Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea

Since 1986, 28 fellows from 25 countries have been awarded the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea. Seventeen world-renowned universities and institutes participate in the Fellowship programme.

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UNCLOS at 30



... a comprehensive
legal regime for
all activities
in the oceans and seas ...

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