

Sensitization Seminar on the Work of the International Seabed Authority
(28 to 20 March 2011, Kingston)

**Statement by Mr. Julio A. Baez, Senior Legal Officer,
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Mr. Secretary-General,
Excellencies,
Ladies and Gentlemen,
Fellow participants

The Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations, serves as the secretariat of the United Nations Convention on the Law of the Sea (the “Convention”), the Agreement relating to the Implementation of Part XI of the Convention and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the “United Nations Fish Stocks Agreement”). The Division discharges the responsibilities entrusted to the Secretary-General by the Convention and the Implementing Agreements, as well as the mandates provided to it in resolutions of the General Assembly in the field of oceans and the law of the sea. The Division prepares several reports annually on oceans and law of the sea issues and services an increasing number of intergovernmental meetings, conferences and workshops in addition to the consultations preceding the adoption of the annual General Assembly resolutions on oceans and the law of the sea and sustainable fisheries. In all its work, the Division cooperates with other international organizations and bodies dealing with oceans issues.

The Division contributes to the effective functioning of the Convention system of institutions and bodies by providing substantive and procedural servicing to the Meetings of States Parties to the Convention (SPLOS) and to the Commission on the Limits of the Continental Shelf (CLCS), by participating in the implementation of the two relationship Agreements between the United Nations and the International Seabed Authority (ISA) and

between the United Nations and the International Tribunal for the Law of the Sea (ITLOS), as well as by liaising with these two institutions.

The Division also services the Informal Consultations of States Parties to the United Nations Fish Stocks Agreement, which is the mechanism established by the General Assembly to monitor the implementation of that Agreement. The States Parties meet annually in order to consider, *inter alia*, the implementation of the United Nations Fish Stocks Agreement at the global, regional and subregional levels.

In its role as the global institution having the competence to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea, the General Assembly is substantively assisted by the Division. The reports of the Secretary-General on oceans and the law of the sea and on sustainable fisheries, as well as special reports and studies, constitute the basis for the consideration and review by the General Assembly of such developments. The Division also assists Member States in their consultations on the draft resolutions on oceans and the law of the sea and on sustainable fisheries. Furthermore, it services the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (the “Informal Consultative Process”) established by the General Assembly to facilitate its annual review, in an effective and constructive manner, of developments in ocean affairs with an emphasis on identifying issues where international coordination and cooperation should be enhanced.

Moreover, the Division services the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction established by the General Assembly pursuant to resolution 59/24 (the “General Assembly Working Group”).

The Division also provides secretariat support to the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-economic Aspects (the “Regular Process”), and to its established institutions, such as the Group of Experts, pursuant to resolution 65/37 and 65/37B .

The Division further provides a wide range of services to States and intergovernmental organizations, including provision of information, advice and assistance with a view to promoting better understanding of the Convention and the UN Fish Stocks Agreement, their wider acceptance, uniform and consistent application and effective implementation. It also

assists Member States in their efforts to derive practical benefits from the international legal regime for the oceans, as provided in these legal instruments. In this area, emphasis is given to developing and building up the capacities of States, including human resources, institutional infrastructures, as well as legal and technical resources.

As the focal point in the United Nations system for ocean affairs and the law of the sea, the Division monitors closely the work of, and cooperates with, competent United Nations agencies, international organizations and entities at the subregional, regional and global levels, in particular the International Maritime Organization (IMO), the Food and Agriculture Organization (FAO), the Intergovernmental Oceanographic Commission (IOC) of UNESCO, the United Nations Environment Programme (UNEP), the Secretariat of the Convention on Biological Diversity and regional fisheries bodies. This is to ensure that the legal framework contained in the Convention and its implementing Agreements is uniformly implemented, and to avoid duplication of efforts and overlaps among competent organizations and bodies. The Division attends the meetings of these organizations and bodies and collaborates with a number of them in the preparation of parliamentary documentation or studies. It also contributes to the work of UN-Oceans and its task forces.

The Division's capacity-building activities, include the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea and the UN-Nippon Foundation Fellowship Programme. The Division also manages several Trust Funds.

One of the areas of DOALOS' functions that is of direct relevance to the work of the International Seabed Authority is the work of the Commission on the Limits of the Continental Shelf. As you are all aware, the work of the Commission attempts to bring precision to the limits of national and international jurisdictions. The Commission has before it a large number of submissions (55) and several more are yet to come.

In view of the large number of submissions, the twentieth Meeting of States Parties to UNCLOS, held in June 2010, considered again the issue of the workload of the Commission, making a number of recommendations to the Commission. The Meeting also decided to continue to address the issue through an informal working group which is expected to make recommendations to the next Meeting in June 2011. In addition, the

current term of office of the members of the Commission expires in June 2012. The election of members of the Commission by the Meeting of States Parties in 2012 will mark the beginning of a new period since the Commission will be expected to make significant progress in the consideration of submissions and issuance of recommendations.

At its twenty-seventh session in March-April 2011, the Commission has before it for adoption three additional recommendations prepared by the respective Subcommissions – in relation to the submission by Indonesia in respect to North West of Sumatra Island, the Joint submission by Mauritius and Seychelles in the region of the Mascarene Plateau and the submission by Suriname.

As at its twenty-sixth session in August-September 2010, the Commission adopted a total of 11 recommendations, the last two for the submissions made, respectively, by Barbados and by the United Kingdom of Great Britain and Northern Ireland in respect of Ascension Island.

In the past 8 months, the Commission received four new submissions from Bangladesh, Denmark, Maldives and Mozambique, bringing the total number of submissions to 55. Moreover, there are at least 43 additional potential submissions, as indicated in the preliminary information transmitted by coastal States to the Secretary-General.

As regards fisheries, in May 2010, the resumed Review Conference on the United Nations Fish Stocks Agreement assessed the effectiveness of the Agreement in securing the conservation and management of straddling and highly migratory fish stocks. The Conference also reviewed the implementation of the recommendations adopted at the Review Conference in 2006. Other recommendations were adopted, including a recommendation that the Informal Consultations of States Parties to the Agreement should continue and that the Agreement should be kept under review through the resumption of the Review Conference.

In 2011, the General Assembly will conduct a further review of the actions taken by States and regional fisheries management organizations and arrangements in response to resolutions 61/105 and 64/72 on the impacts of bottom fishing on vulnerable marine ecosystems. In preparation for the review, the Secretary-General will convene a two-day workshop (15-16 September 2011) to discuss implementation of those resolutions.

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From 31 May to 3 June 2011, the fourth meeting of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction will meet. The Working Group will consider, in particular, the relevant legal regime on marine genetic resources, taking into account the views of States with respect to Parts VII and XI of UNCLOS, environmental impact assessments and their application beyond areas of national jurisdiction, including capacity-building needs, and marine protected areas.

In June 2010, at its eleventh meeting the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea focused its discussions on capacity-building in ocean affairs and the law of the sea, including marine science. The Consultative Process recognized that capacity-building was essential to ensure that all States, especially developing countries, were able to implement UNCLOS, benefit from the sustainable development of the oceans and participate fully in global and regional fora dealing with ocean affairs and the law of the sea. The Consultative Process meeting in June 2011 will focus, in the context of the United Nations Conference on Sustainable Development, on contributing to the assessment of progress made as well as on the remaining gaps in the implementation of the outcomes of the major summits on sustainable development, while addressing new and emerging challenges.

As for piracy, the Office of Legal Affairs, including the Division for Ocean Affairs and the Law of the Sea, has been working in a number of fora to assist States in addressing the legal aspects for the repression of piracy under international law over the past year. The Office of Legal Affairs has continued to provide information and advice to States on a broad range of legal issues, its work has focused on two principal areas – possible international mechanisms for the prosecution of suspected pirates and national legislation on piracy.

In July 2010, with respect to international mechanisms, the Office of Legal Affairs prepared a report of the Secretary-General, in accordance with a request by the Security Council in resolution 1918 (2010), on possible options to further the aim of prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia (S/2010/394). The report identified seven possible options: ranging from the enhancement of United Nations assistance to building the capacity of regional States to prosecute and imprison persons responsible for acts of piracy, on the one hand, to the establishment of an international tribunal pursuant to a Security Council resolution, on the other.

DOALOS has been cooperating with the International Maritime Organization and the United Nations Office on Drugs and Crime on two important initiatives to assist States to adopt new legislation or, to review and possibly update their existing national legislation. In this connection, I should point out that the Security Council has called on all States to criminalize piracy under their national legislation (SC Resolution 1950 (2010)). The first initiative consists of making publicly available on the DOALOS website a compilation of national legislation on piracy provided by States to DOALOS and IMO. The second initiative entails the preparation of three studies by the IMO, UNODC and DOALOS on the elements of national legislation on piracy under relevant international legal instruments. The studies will be presented to the Legal Committee of IMO at its 98th session in April 2011.

Lastly and for your information, the following meetings serviced by the Division will be taking place in 2011 at United Nations Headquarters:

- (i) Twenty-seventh session of the Commission on the Limits of the Continental Shelf, 28 March to 8 April; and
- (ii) 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, 31 May to 3 June 2011;
- (iii) World Oceans Day, 8 June 2011 (Theme- “Our Oceans: Greening our Future”);
- (iv) Twenty-first Meeting of States Parties to the 1982 United Nations Convention on the Law of the Sea, 13 to 17 June 2011;
- (v) Twelfth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, 20 to 24 June 2011; and
- (vi) Twenty-eighth session of the Commission on the Limits of the Continental Shelf, 15 to 26 August 2011;

Thank you!