

**WOMEN IN THE LAW OF THE SEA CONFERENCE**  
**Celebrating the 40th anniversary of the adoption of UNCLOS**

**Statement by Mr. Miguel de Serpa Soares**  
**Under-Secretary-General for Legal Affairs**  
**and United Nations Legal Counsel**

**Monday, 26 September 2022, 9:00-9:25 am**

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Minister Fekita 'Utoikamanu, Minister of Foreign Affairs of the Kingdom of Tonga,

Mr. Michael Lodge, Secretary-General of the International Seabed Authority,

Ambassador Frazier, Permanent Representative of Malta to the United Nations and President of the thirty-second Meeting of States Parties to UNCLOS,

Ambassador Burhan Gafoor, Permanent Representative of Singapore to the United Nations,

Excellencies,

Ladies and gentlemen,

It is my sincere pleasure to participate in this important and timely Conference on Women in the Law of the Sea. Thank you to the Permanent Missions of Malta and Singapore, as well as to the International Seabed Authority, for this initiative.

I personally follow with great interest issues related to the role of women in the law of the sea, in my capacity as an International Gender Champion and in my special role as focal point of UN-Oceans - the inter-agency coordination mechanism on ocean issues within the United Nations system and the International Seabed Authority.

This interest, which is also an important part of my functions as Under-Secretary-General for Legal Affairs and Legal Counsel of the United Nations, is exemplified in particular through the activities of the Division for Ocean Affairs and the Law of the Sea of my Office.

Women have always played an important role in the development and implementation of the law of the sea and, more generally, in humanity's interaction with the ocean. In fact, women's contributions to the development and implementation of the law of the sea are highly relevant and warrant the visibility they deserve. This Conference will no doubt substantially move us in that direction.

Allow me to briefly reflect on the role of women in the context of the United Nations Convention on the Law of the Sea, particularly timely on the occasion of this year's celebration of the 40<sup>th</sup> anniversary of the opening for signature of the Convention.

While it does not contain specific provisions addressing the role of women, the Convention enshrines the principle of equal rights of all people.

In its preamble, the Convention is described as “an important contribution to the maintenance of peace, justice and progress for all peoples of the world”. In addition, amongst its objectives is to contribute “to the realization of a just and equitable international economic order which takes into account the interests and needs of [hu]mankind as a whole”.

Indeed, women have played and continue to play an important role in the development of the legal framework established by the Convention. For example, while negotiators at the Third United Nations Conference on the Law of the Sea were, with some exceptions, almost exclusively men, the role played by Dr. Elisabeth Mann Borghese in developing some of the most innovative provisions of the Convention cannot be overstated. The same can be said of the role of pioneer Dr. Sylvia Earle, who has played and continues to play an essential role in raising the public's awareness of the essential role of the ocean for the planet and in our lives.

While women are not yet adequately represented when important decisions concerning ocean affairs and the law of the sea are made, in recent years, there have been some improvements towards recognizing women's expertise.

Today, while delegations in multilateral negotiations concerning the law of the sea are still overwhelmingly composed of men, it is noteworthy that the President of the Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction is a woman, Ambassador Rena Lee.

In terms of the institutions which facilitate the implementation of the Convention, the contribution of women is essential and has most definitely increased over time. Nonetheless, we have to acknowledge that efforts are still needed to promote gender equality and to ensure full and effective participation and equal opportunities at all levels for women, as recognized in Goal 5 of the Sustainable Development Goals. For instance, at the International Tribunal for the Law of the Sea, currently five out of 21, or 23 per cent, of the judges are women. While this does not yet represent gender balance, it is an improvement from the situation in 2015 where the figure was 8 per cent. We should also highlight the role of Dr. Ximena Hinrichs, as Registrar of the Tribunal.

The situation is less encouraging in the Commission on the Limits of the Continental Shelf. Although the call for nominations of candidates for the Commission expressly encouraged nominations of female experts, with a view to achieving gender balance in the Commission, only one female candidate was nominated and subsequently elected by the thirty-second Meeting of States Parties to the Convention. As a result, the number of future female members of the Commission has unfortunately halved, from two to one. This means that, of the 126 seats on the Commission which have been up for election from its establishment in 1997 until 2022, only 3 have gone to women: approximately 2 per cent. It may be considered as encouraging that during the thirty-second Meeting of States Parties, the one female candidate was elected during the first round of voting and received more votes than any of her elected male counterparts.

As for the Meeting of States Parties, its rules of procedure were recently revised to use gender-sensitive language. Building on that initiative, in 2021, the President of the thirty-first Meeting encouraged States Parties to take into account the importance of achieving gender balance when nominating candidates for the positions of President and Vice-Presidents of future Meetings. He noted that of the 50 Bureau positions available from 2010 to 2020, only 15 had been occupied by women. That appeal proved to be effective, with Ambassador Frazier, Permanent Representative of Malta, here with us in this opening segment, elected as President of the thirty-second Meeting of States Parties to UNCLOS, along with two of the four Vice-Presidents of the Meeting.

In respect of the capacity-building programmes on ocean affairs and the law of the sea implemented by the Division for Ocean Affairs and the Law of the Sea of my Office, nominations of female participants have been encouraged and even prioritized. These programmes aim at supporting mid-career ocean professionals from developing countries in attaining national, regional or global leadership roles in ocean affairs and the law of the sea.

To support adequate gender representation, my Office will continue to expressly encourage nominations of female candidates, such as in calls for nominations of candidates for the Commission, for members of the Bureau of Meetings of States Parties and for participants in capacity-building activities, with a view to achieving more sustainable gender balance.

Turning to efforts in my Office to reaching gender balance, within the Division for Ocean Affairs and the Law of the Sea, which as you know acts as Secretariat for the Convention, 60 per cent of staff members are women. Indeed, I have stressed to all my Heads of Unit the importance of our commitment to gender balance throughout the recruiting process, as reflected by the fact that in OLA 64 per cent of staff members are women and, amongst professional staff, 58 per cent are women. This is very promising, with any gaps regarding post levels and seniority envisaged to close over time, as a greater number of women move through the ranks.

OLA further relies on a network of alternate gender focal points in each Unit, led by an OLA gender focal point, who is precisely a senior officer in DOALOS.

Turning back to the Convention, it is important to remember that complementing the “constitution of the Oceans” are many sector-specific instruments. While women play an increasingly significant role in many ocean sectors, it is important to note that these instruments mostly do not address such roles, nor the specific vulnerabilities and challenges faced by women, especially in the most vulnerable communities.

The fisheries and aquaculture sectors provide a relevant example. Women represent half of the work force engaged in these sectors, operating as crew members, marketers and shore support, in particular fish processing. At the same time, they are paid substantially less than men and, in many instances, are segregated into low-skilled and unrecognized labour. Overall, their engagement in these sectors is poorly understood and largely unrecognized in many parts of the world. Additionally, the instruments providing for fair working conditions, control over resources and access to services do not address gender-specific vulnerabilities or inequalities. Women are also too often not afforded the opportunity to participate in decision-making processes affecting their lives. The situation is similar in other sectors, such as shipping, sea-based tourism and marine science.

It is important to note in this regard that the outcome of the United Nations Conference to Support the Implementation of Sustainable Development Goal 14, held in Lisbon earlier this year, calls for the empowerment of women and girls, recognizing that their full, equal and meaningful participation is key in progressing towards a sustainable ocean-based economy and to achieving Goal 14. The mainstreaming of a gender perspective in our work to conserve and sustainably use the ocean and its resources is also called for.

While it is clear that much still remains to be done to fully recognize the important role of women in the law of the sea, it gives me great confidence that many initiatives, like this Conference, are highlighting the intrinsic role of women in this field. This is proven by the participation of experts in fields as diverse as dispute settlement, the protection of the marine environment, sustainable management of ocean space and its resources, marine scientific research and transfer of technology, the principle of the common heritage of *humankind*, amongst many others.

I look forward to continuing to work with Member States, the Authority and other stakeholders to support and enhance the tremendous contribution of women in the law of the sea.

Thank you very much.

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