



**United Nations Convention  
on the Law of the Sea at 40  
Successes and future prospects**



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# Preface

The [United Nations Convention on the Law of the Sea](#) (UNCLOS), one of the most [significant](#) international legal instruments of our time, was adopted and opened for signature in Montego Bay, Jamaica, on 10 December 1982. It ushered in a transformation in the law of the sea, providing us with an overarching “[constitution](#)” to govern the most significant of our global commons.

It is no overstatement to say that UNCLOS has contributed fundamentally to the maintenance of international peace and security globally, as well as to the conservation and sustainable use of our ocean. UNCLOS continues to be recognized by the [General Assembly](#) as setting out “the legal framework within which all activities in the oceans and seas must be carried out” and as being “of strategic importance as the basis for national, regional and global action and cooperation in the marine sector”.

There is much to celebrate on this fortieth anniversary of UNCLOS. At the same time, there is no doubt that our ocean is facing enormous challenges. The “[triple planetary crisis](#)” of climate change, biodiversity loss and pollution is causing severe and unprecedented damage to this precious environment, on which the lives and livelihoods of so many depend. This reality should not be an invitation to turn away from UNCLOS, but rather to re-examine and re-embrace its fundamental tenets. The provisions of the Convention are of as much relevance today as they were in 1982, and continue to provide the bedrock for States to cooperate internationally to meet emerging challenges. Ongoing efforts towards the effective implementation of UNCLOS worldwide, together with related instruments, must therefore be a priority.



**Miguel de Serpa Soares**

Under-Secretary-General for Legal Affairs  
and United Nations Legal Counsel,  
UN-Oceans Focal Point, December 2022

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# Introduction

“The Convention’s fortieth anniversary is an important reminder to continue using this critical instrument to tackle today’s challenges.”

António Guterres, Secretary-General of the United Nations

The [United Nations Convention on the Law of the Sea \(UNCLOS\)](#) was adopted in 1982 after almost a decade of negotiations. Those negotiations were [ambitious](#) in scope, and the resulting Convention was a truly [unprecedented](#) instrument, governing vast spatial areas and a multitude of ocean-related activities in a comprehensive manner. It [resolved long-standing debates on issues including the breadth of States' maritime entitlements, and contained important new developments](#). However, acknowledging that some aspects of UNCLOS had prevented certain States from ratifying or acceding to it, consultations began in 1990 under the aegis of the Secretary-General on outstanding issues relating to the deep seabed mining provisions. These consultations eventually led to the [Agreement relating to the Implementation of Part XI of UNCLOS](#), which cleared the way for the entry into force of UNCLOS in 1994 by facilitating the wider participation of major industrialized States. Indeed, UNCLOS has now been widely ratified, with 168 parties, and many of its provisions are also recognized as reflecting customary international law that is binding on all States. There is no doubt that it has earned its often used title of a [“constitution”](#) for our ocean.

Negotiated as a [“package deal”](#), in which the provisions were to be accepted as a whole, the resulting Convention balances the divergent [interests](#) of many States. By providing legal certainty, including through the establishment of clear maritime zones, rules for boundary delimitation and a comprehensive dispute settlement system, UNCLOS has done much to ensure the peaceful uses of the ocean. Through its provisions dedicated to the conservation and management of living and non-living resources, the protection and preservation of the marine environment and the establishment of a regime for the exploration and exploitation of the deep seabed as the common heritage of humankind, it has promoted the equitable, sustainable and efficient utilization of the ocean. In these ways, UNCLOS reflects sustainable development through its legal, economic, social and environmental provisions and touches on various aspects of what is now encompassed in the [2030 Agenda for Sustainable Development and its Sustainable Development Goals](#).<sup>1</sup>

This publication will provide a thematic overview of some of those aspects. In doing so, it will highlight the important role that various entities within or related to the United Nations system have played, within their



Photo: United Nations/Division for Ocean Affairs and the Law of the Sea.

respective mandates, in the application and development of the UNCLOS regime. Comprehensive as it is, UNCLOS is a framework treaty, providing general provisions that are operationalized and implemented in practice through specific regulations found in other international agreements and arrangements, as well as at the national and regional levels. Many such additional rules and regulations have been developed under the auspices of various United Nations entities. In this respect, although prepared by the [Division for Ocean Affairs and the Law of the Sea](#) in pursuit of its mandate to promote better understanding of UNCLOS and its uniform and consistent application and effective implementation, this publication also draws on contributions provided by members of [UN-Oceans](#), the United Nations inter-agency mechanism that seeks to strengthen and promote the coordination and coherence of United Nations system activities related to ocean and coastal matters, recognizing their collective efforts to “deliver as one” in the context of UNCLOS.<sup>2</sup> More generally, in addition to the three bodies established under UNCLOS – the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea – the General Assembly plays an ongoing role in implementing and strengthening the provisions of UNCLOS.

<sup>1</sup> On the history of the Convention, including its relationship with sustainable development, see Miguel de Serpa Soares, “75 years of law-making at the United Nations”, in *Max Planck Yearbook of United Nations Law, Volume 23* (2019), Frauke Lachenmann and Rüdiger Wolfrum, eds. (Leiden, Netherlands, Brill/Nijhoff, 2020), pp. 16–21, and references therein, notably [Division for Ocean Affairs and the Law of the Sea, “The United Nations Convention on the Law of the Sea: a historical perspective”](#) (1998); Tommy T.B. Koh, “A constitution for the oceans” (1982); Robin Churchill, “The 1982 United Nations Convention on the Law of the Sea”, and Tullio Treves, “Historical development of the law of the sea”, both in *The Oxford Handbook of the Law of the Sea*, Donald Rothwell and others, eds. (Oxford, United Kingdom of Great Britain and Northern Ireland, Oxford University Press, 2015); and James Harrison, *Making the Law of the Sea* (Cambridge, United Kingdom, Cambridge University Press, 2011).

<sup>2</sup> Gratitude is expressed for the contributions provided by the Economic and Social Commission for Asia and the Pacific, the Food and Agriculture Organization of the United Nations, the Intergovernmental Oceanographic Commission of the United Nations Scientific, Educational and Cultural Organization, the International Maritime Organization, the International Seabed Authority, the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the secretariat of the Convention on the Protection of the Underwater Cultural Heritage, the United Nations Conference on Trade and Development, the United Nations Development Programme and the United Nations Environment Programme. The contributions have been edited for the purposes of the publication. Nothing that is contained in this publication should be taken as expressing the view of the United Nations or any of its funds, agencies or programmes regarding the legal interpretation to be afforded to any of the texts mentioned herein.

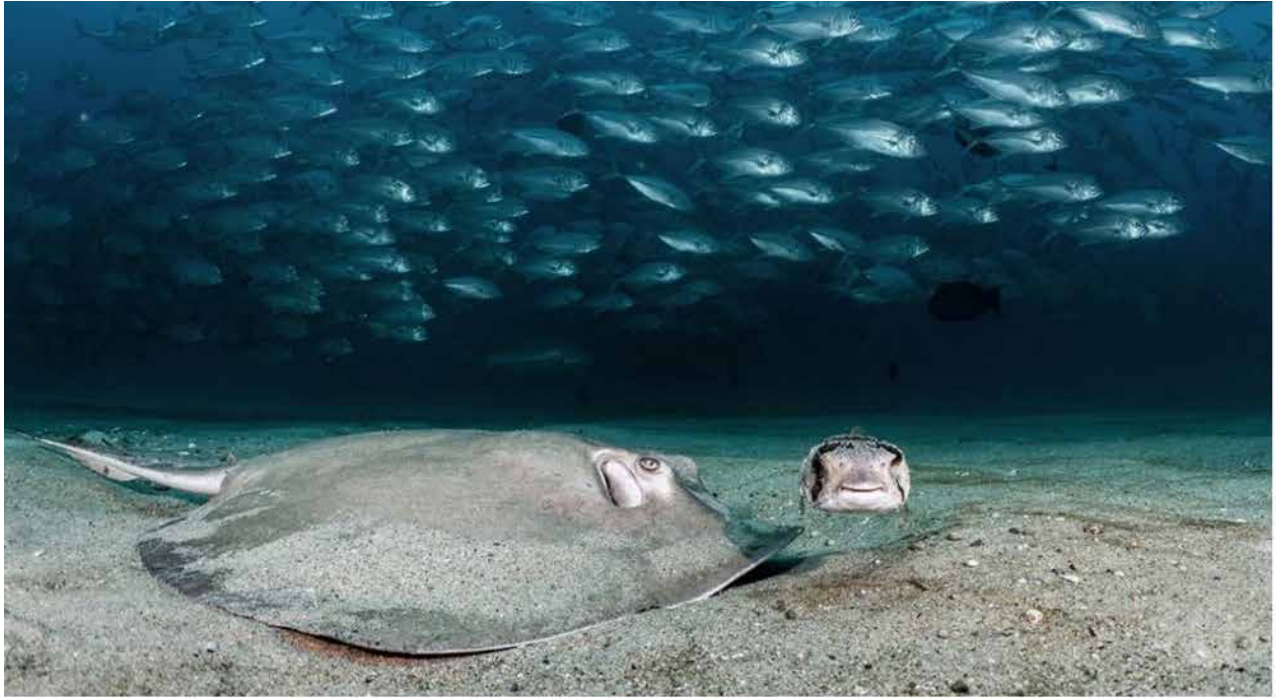


Photo: Nicolas Hahn, [United Nations World Oceans Day photo competition, 2022](#).

This publication addresses the following themes as areas of coverage by UNCLOS that are critical to the promotion of sustainable development: living and non-living marine resources, protection and preservation of the marine environment, shipping and marine scientific research. It also offers snapshots of the application of UNCLOS in two specialized areas: underwater

cultural heritage and, from a regional perspective, in the Asia-Pacific region. It concludes with a focus on capacity-building, in recognition of the importance of supporting the effective implementation of UNCLOS and related instruments on as universal basis as possible.



# **Conservation and sustainable use of living resources**

Recognizing also the significant contribution of sustainable fisheries to food security and nutrition, income, wealth and poverty alleviation for present and future generations

(General Assembly resolution 76/71, preamble)

Global fisheries and aquaculture production is at a record high and the sector will play an increasingly important role in providing food and nutrition in the future, contributing to food security in all regions. Worldwide average apparent aquatic food consumption per capita has more than doubled since 1960 and is expected to continue to increase in the coming decades. In addition, it is estimated that about 600 million livelihoods, including those of subsistence and secondary sector workers and their dependants, largely in developing countries, depend at least partly on fisheries and aquaculture. Notably, while the role of women is often overlooked, they play an important role in small-scale fisheries and aquaculture, with 45 million women globally participating in small-scale fisheries alone.



Photo: Hannes Klostermann, United Nations World Oceans Day photo competition, 2021.

It is widely accepted today that fisheries resources must be managed if their contribution to the nutritional, economic and social well-being of the world's growing population, as well as to ecosystem health and resilience, is to be sustained. However, for much of history, these resources were assumed to be infinite. Scientific and technological advances in the twentieth century facilitated the intensive development of fisheries and fishing fleets, which laid bare the fallacy of infinite living marine resources. As some major fish stocks collapsed globally, it became increasingly clear that fisheries resources could not sustain the rapid and often unfettered advances in fishing effort, and that new approaches to fisheries management embracing conservation and environmental considerations were urgently needed.

UNCLOS provided a new legal framework for the conservation and management of marine living resources globally. Through its incorporation of a 200 nautical mile exclusive economic zone (EEZ), UNCLOS provided coastal States with sovereign rights over an estimated 90 per cent of the world's fishery resources, coupled with the responsibility to conserve and manage such resources so as to promote their optimum utilization and long-term sustainability.



Photo: © FAO/Sylvain Cherkaoui, 2022.

UNCLOS also sets out the duty for States to cooperate in the management of specific types of stocks, which are present both in EEZs and on the high seas, including straddling fish stocks and highly migratory fish stocks, as well as their duty to cooperate with other States in adopting measures to conserve and manage marine living resources of the high seas. These provisions are further developed in the Fish Stocks Agreement, which was negotiated because of increasing concern about unregulated or poorly regulated fisheries on the high seas. The Agreement provides the framework for the conservation and management of straddling fish stocks and highly migratory fish stocks, including by further elaborating the role of regional fisheries management organizations and arrangements (RFMO/As) as a primary vehicle for cooperation between States.

#### RFMO/As

RFMO/As apply the international legal framework and associated global instruments, translating guidance into practice. Today there are nearly 50 RFMO/As worldwide. They provide a forum for the adoption of fisheries conservation and management measures for marine areas and for matters within their regulatory competence.

In terms of the conservation and management of fishery resources, the Agreement can be considered the most important legally binding global instrument to be concluded since the adoption of UNCLOS, marking a major step forward in the elaboration of a comprehensive legal regime. Notably, pursuant to the Agreement, the conservation and management of stocks must be based on the precautionary approach and the best available scientific evidence. The Agreement incorporated new principles, norms and rules that further elaborated the relevant provisions of UNCLOS; these are aimed at addressing new challenges affecting high seas fisheries, as well as recognizing the special requirements of developing countries.



In addition, the [Code of Conduct for Responsible Fisheries](#) was developed in 1995 by the [Food and Agriculture Organization of the United Nations \(FAO\)](#), the United Nations specialized agency that is responsible, inter alia, for matters relating to food security, nutrition and sustainable agriculture, including fisheries. The Code lays out principles and standards to ensure the effective conservation, management and development of living aquatic resources, with due respect for the ecosystem and biodiversity, and was a landmark for incorporating conservation and environmental considerations into fisheries management. The voluntary Code has been instrumental in elaborating the fisheries provisions of UNCLOS and guiding implementation of the Fish Stocks Agreement, facilitating change and promoting cooperation at the local, regional and global levels. Today, the fisheries policies and legislation of most countries are compatible with the Code. Several important non-binding instruments and guidelines have also been developed by FAO to further develop the framework of the Code, and a new binding instrument aimed at addressing illegal, unreported and unregulated fishing, the [Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing](#), entered into force in 2016.

Much has changed in the 40 years since the adoption of UNCLOS, from technology enabling fleets to fish further from shore and deeper in the ocean to the rapid expansion of international trade in fish and fish products, the growth of aquaculture and the recognition of the impacts of climate change and biodiversity loss on aquatic resources. Worryingly, the percentage of overfished stocks has continued to rise, [to over 35 per cent in 2019](#), although [82.5 per cent](#) of fisheries landings are from sustainably exploited stocks, a growing figure. However, for a world population [expected to exceed 9 billion by 2050](#), the framework established by UNCLOS, supplemented by the Fish Stocks Agreement and supported by the Code and other related instruments, will continue to provide the basis for effective management and conservation of the world's living marine resources and guide responses to new and emerging issues in fisheries, such as sustainable aquaculture development, ocean degradation, social responsibility, biodiversity conservation and climate change. Thus, the UNCLOS framework remains fundamental to the sustainable development of fisheries in support of achieving the 2030 Agenda. Recognizing the vital role of women and promoting their equal treatment and participation will also be crucial if sustainable development is to be realized.

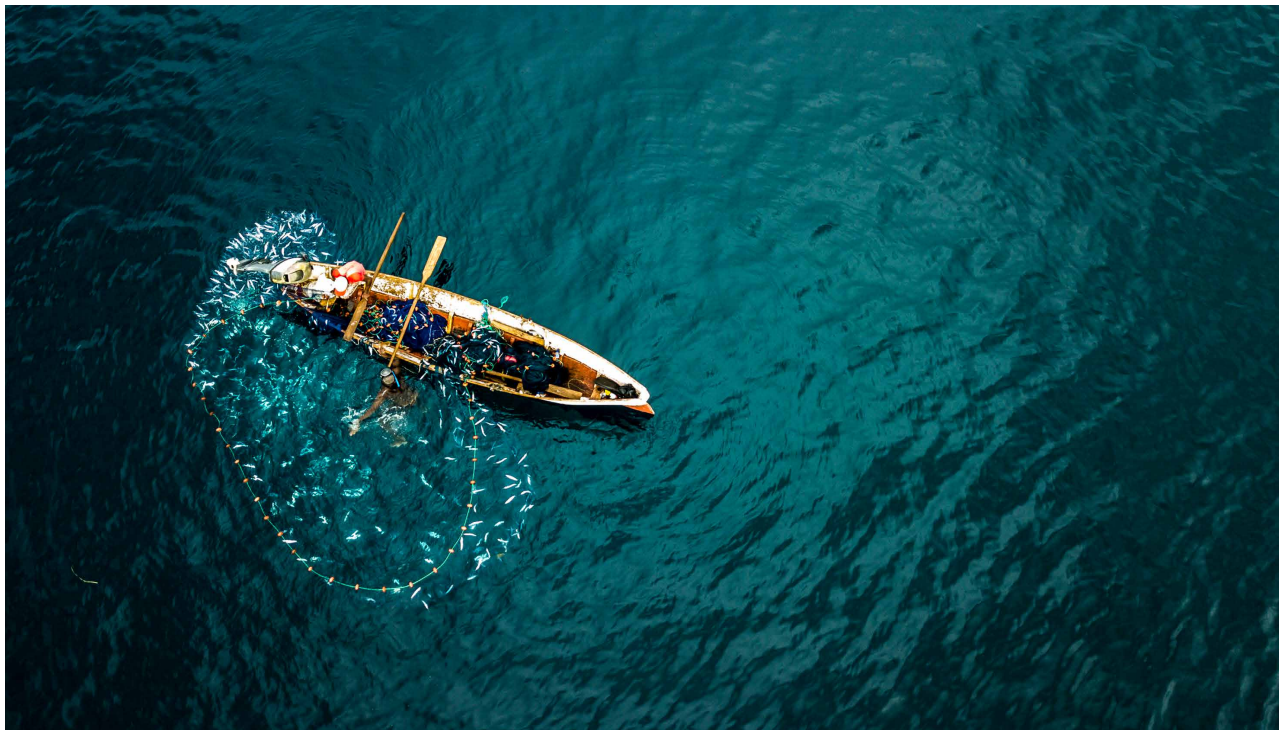


Photo: Caine Delacy, [United Nations World Oceans Day photo competition, 2019](#).



# Non-living resources

Reaffirming the importance of the work of the International Seabed Authority (the Authority) in accordance with the Convention and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (the Part XI Agreement)

(General Assembly resolution 77/248, preamble)

In addition to living resources, the ocean and the seabed contain important non-living materials, including mineral resources. They also provide a home for infrastructure critical to modern life, such as submarine cables and pipelines, as well as an increasingly important base for renewable energy production.

Today, the deep seabed is the new frontier for exploration, in terms of both ocean science and technological innovation. The deep seabed contains valuable mineral resources, including [polymetallic nodules](#), [polymetallic sulphides](#) and [cobalt-rich ferromanganese crusts](#). In particular, the deep seabed may support the transition to renewable energy required to meet the emissions reduction goals in the [Paris Agreement](#) by providing a source of certain essential metals and minerals. At the same time, necessary measures need to be taken in accordance with UNCLOS to ensure effective protection for the marine environment from harmful effects that may arise from activities of exploration and exploitation of such resources.

Mineral resources in the Area – defined as the seabed and ocean floor and subsoil thereof beyond the national jurisdiction of States – are subject to a special regime under UNCLOS. This regime, which embodies a visionary concept of the global management of shared space and resources, was developed in response to interest, beginning in the 1960s, in the exploitation of those mineral resources. To further elaborate the modalities of implementation of the regime, the [Part XI Agreement](#) was concluded in 1994. The Area and its mineral resources are characterized under UNCLOS as the common heritage of humankind, meaning that all rights in these resources are vested in humankind as a whole. Any exploration or exploitation of the resources must be undertaken in accordance with the regime established under UNCLOS and elaborated in the Part XI Agreement. The regime establishes a unique system of global governance designed to allow an industrial activity to proceed with precaution, as the best available science and practice progress and inform tailored management measures.

In this respect, the [International Seabed Authority](#) is an autonomous international organization established under UNCLOS through which States parties to

UNCLOS organize and control activities in the Area, namely the exploration and exploitation of mineral resources, for the benefit of humankind as a whole. The Authority has the responsibility under UNCLOS to manage activities in the Area, to protect the marine environment from harmful impacts that may arise from such activities, to promote and encourage marine scientific research and to share the benefits derived from activities in the Area on the basis of equity.

After its establishment in 1994, the Authority began work on a “[mining code](#)”, a set of rules, regulations and procedures to govern both the exploration and exploitation of mineral resources in the Area. To date, it has developed a [set of regulations concerning exploration](#) for various minerals and is currently developing regulations on exploitation. Thirty-one exploration contracts have been issued, with several developing countries among the sponsoring States. The intensive exploration work that has taken place under these contracts has added enormously to the total sum of human knowledge of the marine environment.

Over the past 30 years, the regime for the Area has made a tremendous contribution to international peace, cooperation and legal order in the oceans, preventing a scramble for resources and preserving the right of all States to access the deep seabed. Although no exploitation of mineral resources in the Area has yet taken place, technology has advanced since the adoption of UNCLOS to bring it closer to reality. The rich biodiversity and large mineral deposits found in the Area create exciting opportunities for further sustainable development. However, any potential harmful environmental impacts from activities in the Area must be addressed. Notwithstanding the promotion of the expansion of human knowledge regarding the ocean that has resulted from the regime of the Area, it is also critical to continue work to fill gaps in the scientific knowledge of deep-sea ecosystems.





# Protection and preservation of the marine environment

Emphasizes once again the importance of the implementation of Part XII of the Convention in order to protect and preserve the marine environment and its living marine resources against pollution and physical degradation, and calls upon all States to cooperate and take measures consistent with the Convention, directly or through competent international organizations, for the protection and preservation of the marine environment

(General Assembly resolution 77/248, para. 203)

Marine and coastal ecosystems are **essential** to the well-being of humanity and to the planet as a whole, playing a key role in regulating our atmosphere, including providing much of the oxygen we breathe, and underpinning the rich biodiversity on which the health and resilience of marine ecosystems and the livelihoods of many depend. However, these ecosystems are under increasing pressure from human activities, including overutilization of marine living resources, greenhouse gas-induced climate change, destructive practices, invasive alien species and land-based sources of pollution. Taking care of our marine environment is therefore critical.

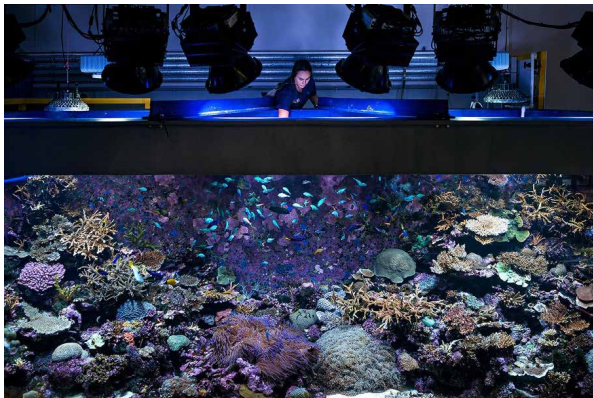


Photo: Giacomo d'Orlando, [United Nations World Oceans Day photo competition, 2022](#).

Part XII of UNCLOS contains extensive obligations on States to protect and preserve the marine environment, including by taking measures to prevent, reduce and control pollution of the marine environment from any source. States must also cooperate on a global and regional basis, as appropriate, in formulating and elaborating additional international rules, standards and recommended practices and procedures with regard to the protection and preservation of the marine environment.

Recognizes that international shipping rules and standards adopted by the International Maritime Organization in respect of maritime safety, efficiency of navigation and the prevention and control of marine pollution, complemented by best practices of the shipping industry, have led to a significant reduction in maritime accidents and pollution incidents

(General Assembly resolution 77/248, para. 195)

Other relevant international agreements relate to a variety of issues, including pollution, regional cooperation, biodiversity and marine species.

Polluting substances may enter the ocean as the result of an accident involving a ship, as well as from pollution derived from ship-related operational

discharges. Some important international treaties in this field predate the adoption of UNCLOS, including the [Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter \(the London Convention\)](#), the [International Convention for the Prevention of Pollution from Ships \(MARPOL\)](#) and [various conventions relating to liability for, and intervention in cases of, oil pollution](#). Other [treaties](#), including protocols to the London Convention, MARPOL and various oil pollution conventions, and treaties relating to ballast water and sediments, oil pollution preparedness, response and cooperation, the carriage of hazardous and noxious substances by sea and harmful anti-fouling systems, were adopted after UNCLOS entered into force. UNCLOS served to both strengthen the existing regime by recognizing and incorporating important rules and standards therein, as well as by providing a robust framework for the exercise of jurisdiction and enforcement, while at the same time providing the groundwork for future legal development.



Photo: IMO.

These treaties were largely developed under the auspices of the [International Maritime Organization \(IMO\)](#), the United Nations specialized agency that is responsible for matters relating to the safety and security of international shipping and pollution from vessels. Indeed, IMO has adopted over 50 treaties in the fields of safety of maritime navigation, prevention of marine pollution, and liability and compensation for pollution damage, in addition to dozens of codes and guidelines. Widely ratified, those instruments apply to 99 per cent of the global merchant fleet.

Encourages States that have not done so to become parties to regional seas conventions and the protocols thereto addressing the protection and preservation of the marine environment, while noting the role of the United Nations Environment Programme Regional Seas Programme

(General Assembly resolution 77/248, para. 271)

In terms of regional cooperation, an issue highlighted by UNCLOS, [the Regional Seas Programme](#),

established in 1974, provides a successful framework for tackling marine environmental issues and ocean degradation on a regional scale. Administered by the [United Nations Environment Programme](#) (UNEP), the United Nations entity dedicated to the protection of the global environment, the Regional Seas Programme encompasses 18 regional seas conventions and action plans across the world, in which 146 countries currently participate. Many of these conventions and action plans have embraced an ecosystems approach to managing marine resources and have adopted protocols on protected areas, marine litter, combating oil spills, pollution from ships, transboundary movement and disposal of waste, integrated coastal zone management and land-based sources of pollution. The Programme is action-oriented, implementing region-specific activities and bringing together various stakeholders including Governments, scientific communities and civil society, and also provides an interface with other regional and global legal instruments. The focus is on promoting ocean governance at a regional level to deliver the global oceans agenda and respond to emerging issues. Individual States are supported in exercising their duties and obligations under the various regional seas conventions and action plans and ultimately, by extension, UNCLOS.

Other programmes for the protection of the marine environment administered by UNEP include the ecosystem management of marine resources such as mangroves, seagrasses and seaweeds and programmes relating to [coral conservation, restoration and protection](#). The [Global Programme of Action for the Protection of the Marine Environment from Land-based Activities](#), an intergovernmental mechanism designed to address the issue of land-based pollution, supports Governments in fulfilling their obligations under UNCLOS to prevent and address pollution through global partnerships on marine litter, nutrients and wastewater management, including through regional legal instruments established through the Regional Seas Programme.



Photo: Beth Watson, [United Nations World Oceans Day photo competition, 2016](#).

In terms of biodiversity, UNCLOS contains obligations to protect and preserve rare or fragile ecosystems and the habitat of depleted, threatened or endangered marine life. The [Convention on Biological Diversity](#) provides a general framework for the conservation and sustainable use of biological diversity, including in the marine environment. Several decisions have been taken by the Conference of the Parties to that Convention to address marine and coastal biodiversity and contribute to the implementation of UNCLOS.

Encourages States to cooperate at the bilateral, regional and global levels to prevent, combat and eradicate illicit trafficking in protected species of wild fauna and flora where such trafficking occurs via maritime routes  
(General Assembly resolution 77/248, para. 164)

Other treaties provide mechanisms for the protection of certain marine species. For example, the [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES), which predates UNCLOS, having entered into force in 1975, governs trade in animal and plant specimens, including through a unique regime governing trade in specimens taken from areas beyond national jurisdiction known as “introduction from the sea”. It has operated in a manner complementary to and supportive of UNCLOS by imposing obligations on port States and the flag States of vessels in respect of marine species listed in its appendices. States must satisfy themselves of the legality, sustainability and traceability in relation to the traded specimen before the requisite CITES permits and certificates can be issued. UNCLOS provides an essential background for defining in which maritime zones specimens are taken, as well as the international regimes for vessel flagging and port State action.

The relationship between CITES and UNCLOS has become increasingly important as a growing number of marine species have been listed in the CITES appendices. Several resolutions have also been agreed upon by the parties to CITES to guide the implementation of obligations that CITES imposes on port States and the flag States of vessels involved in trade in specimens of marine species taken from areas beyond national jurisdiction. This includes [resolution 14.6](#), in which CITES elaborates on the rules applicable to trade involving ships subject to chartering operations, and the roles and potential contributions of RFMO/As.

The framework nature of UNCLOS also allows for responsive action on contemporary challenges such as climate change. In line with the international framework to combat climate change, and on the basis of the Convention’s provisions on pollution from or through the atmosphere, States members of

IMO have been working since the mid-1990s on [preventing air pollution from ships](#). The Regulations for the Prevention of Air Pollution from Ships, known as MARPOL Annex VI, seek to minimize airborne emissions from ships and were complemented by mandatory technical and operational energy efficiency measures to significantly reduce CO<sup>2</sup> emissions, which entered into force on 1 January 2013. In addition, IMO has adopted an [initial strategy on the reduction of greenhouse gas emissions from ships](#), which envisages a reduction in total greenhouse gas emissions from international shipping by at least 50 per cent by 2050 compared with 2008, while at the same time pursuing efforts to phase them out entirely.



Photo: Kevin De Vree, [United Nations World Oceans Day photo competition, 2021](#).

Biodiversity loss, including in the ocean, also [continues](#). In an effort to ensure that the [comprehensive global regime better addresses the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction \(BBNJ\)](#), an intergovernmental conference was [convened](#) by the General Assembly, and negotiations have been ongoing since 2018 under the auspices of the United Nations to develop a new instrument under UNCLOS in this field. The results of the conference should be fully consistent with the provisions of UNCLOS. Any future instrument would become its third implementing agreement, together with the Fish Stocks Agreement and the Part XI Agreement.

Another challenge for the ocean today is the problem of plastic pollution. While UNCLOS addresses land-based sources of pollution, the United Nations Environment Assembly, in a historic [resolution](#) adopted in 2022, requested UNEP to convene an intergovernmental negotiating committee to develop a legally binding instrument on plastic pollution, including in the marine environment. UNCLOS is expressly recognized in the preamble as one of the existing relevant instruments in this respect. The ambition is to complete the work by the end of 2024.



Photo: Peter de Maagt, [United Nations World Oceans Day photo competition, 2019](#).

These kinds of legal developments, responding to critical issues facing the ocean, are foreseen within the general framework established by UNCLOS for the protection and preservation of the marine environment. By providing general principles together with specific obligations, as well as space for further detailed regulations to be developed as needed, UNCLOS contributes to the realization of this critical aspect of sustainable development, including targets under Sustainable Development Goal 14 relating to the reduction of marine pollution, the management, protection and restoration of marine and coastal ecosystems, the minimization of ocean acidification and the protection of coastal and marine areas.





# **Snapshot:** **Underwater cultural heritage**

Emphasizing that underwater archaeological, cultural and historical heritage, including shipwrecks and watercraft, holds essential information on the history of humankind and that such heritage is a resource that needs to be protected and preserved

(General Assembly resolution 77/248, preamble)

UNCLOS contains a general obligation for States parties to protect their underwater cultural heritage. Given concerns regarding the need to protect elements of interest to humanity, the [Convention on the Protection of the Underwater Cultural Heritage](#) was developed in 2001 under the auspices of the [United Nations Educational Scientific and Cultural Organization](#) (UNESCO). This was the result of a long-term effort by States to elaborate a comprehensive and effective framework of regulations that can achieve the preservation of such heritage. It is to be interpreted consistently with UNCLOS and currently has 72 States parties.

The UNESCO Convention is aimed at preventing the pillage, commercial exploitation and illicit traffic of underwater cultural heritage. It does so in all waters, inland and maritime, and in all maritime zones and contains strong protective measures. The Convention also responds to the need for scientific guidance and the facilitation of State cooperation. It obliges States parties to take measures to avoid their territory, including ports, being used in a manner inconsistent with its terms, to seize underwater cultural heritage in their territory that has been recovered in a manner not in conformity with the Convention, and to apply sanctions for violations. In addition, the Convention offers detailed regulations and a system for cooperation among States for the protection of underwater cultural heritage outside the territorial sea of its States parties. This system can provide a general model for safeguarding elements of importance to humanity. A Scientific and Technical Advisory Body is available, on request, to provide advice on the implementation of the scientific rules annexed to the Convention.

The UNESCO Convention represents a valuable opportunity for all States to protect underwater cultural heritage, an important aspect of sustainable development, in all kinds of waters, including in the territorial sea and beyond. It shows how the protection of submerged heritage can be ensured practically, and it both complements and assists in the implementation of UNCLOS.



Photo: Scientific research on the *La Pèrouse* wreck La Boussole, Vanuatu © C. Grondin/UNESCO.

#### **The Skerki Bank and the Strait of Sicily case**

The site of the Skerki Bank is located in the Strait of Sicily along one of the busiest maritime routes in the Mediterranean. The fragility of the heritage of the Skerki Bank, which contains [hundreds of shipwrecks from the past 3,000 years](#), was reported to UNESCO by Italy at the beginning of 2018. Subsequently, eight States parties expressed their interest in being consulted on ways to ensure the effective protection of the site, joining forces, as provided for in the UNESCO Convention, with two coordinating States. A Coordination Committee developed strategies and action plans to achieve the objectives of the protective initiative. It also coordinated a major underwater [archaeological mission](#) in August 2022, surveying and mapping the heritage, modelling the shipwrecks and generally taking stock of the location and status of conservation in order to protect the underwater cultural heritage in the long term. During this initial survey, heritage sites from various periods in history were discovered, investigated and photographed.



# **Shipping:** **Navigation and international trade**

Calls upon States to ensure freedom of navigation, the safety of navigation and the rights of transit passage, archipelagic sea lanes passage and innocent passage in accordance with international law, in particular the Convention

(General Assembly resolution 77/248, para. 168)

Shipping carries **over 80 per cent of the volume of international trade**, providing critical supply chain linkages and access to global markets for all countries, and thus enabling our globalized economy to function. The livelihoods of most of the world's population therefore depend to a large degree on this vital sector.

Under UNCLOS, the vessels of all States enjoy freedom of navigation in EEZs and on the high seas and a right of innocent passage through territorial seas. Flag States are obliged to exercise jurisdiction and control over ships flying their flag in administrative, technical and social matters and to take measures to ensure that the ships are equipped to operate and navigate safely at sea. With UNCLOS thus operating as the overarching framework, further detailed regulations on its key provisions are set out in various other international agreements.



Photo: IMO.

These include, for example, the [International Convention for the Safety of Life at Sea, 1974](#), developed under the auspices of IMO, which concerns the safety of merchant ships. It specifies minimum safety standards for their construction, equipment and operation, which are enforced by both flag States and port States. The [Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended](#), sets out rules of navigation designed to prevent collisions between vessels. It is also important to highlight the International [Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978](#).

In terms of matters relating to the labour and working conditions of seafarers, the [Maritime Labour Convention, 2006, as amended](#), adopted under the auspices of the [International Labour Organization](#), contains provisions to secure decent standards of employment for seafarers working on-board certain commercial vessels, including those not directly involved in navigating or operating the ship, such as personnel working on ships in the tourism and recreational sectors.

Given the importance of flag States exercising effective jurisdiction and control over their vessels, the [United Nations Convention on Conditions for Registration of Ships](#) was negotiated in 1986 under the auspices of the [United Nations Conference on Trade and Development \(UNCTAD\)](#), the United Nations body established to promote international trade, in particular access for developing States, including through the development of multilateral legal instruments. While not yet in force, the Convention establishes international standards for the registration of vessels in a national registry, including minimum elements relating to the “genuine link” between the vessel and the State of registration, and has significantly influenced national laws on ship registration.



Photo: IMO.

International rule-making and standard-setting in the field of commercial maritime law is also important for the facilitation of safe and environmentally responsible global shipping. By determining the rights, obligations and liabilities of contracting parties, international commercial maritime law affects commercial decision-making, with implications for ship safety, marine pollution, safety of life at sea and working conditions for seafarers. Several international conventions have been developed under the auspices of UNCTAD, in some cases jointly with IMO, including rules relating to the [international liability framework for the carriage of goods by sea, multimodal transport, maritime liens and mortgages](#) and the [arrest of ships](#). [Model rules and non-mandatory standards](#) have also been developed that are shaping and harmonizing the international commercial maritime transport law framework.

In addition to its work on greenhouse gas emissions and combating pollution noted above, IMO continues to address other emerging issues in international shipping, including in relation to fraudulent registries and autonomous vessels. In respect of the latter, for instance, regulation is necessary to ensure that new, and potentially cleaner and more efficient, technologies do not create new risks. A non-mandatory code



on autonomous shipping is **planned** for adoption by 2024, with a mandatory code to follow by 2028.

Shipping plays a significant role in sustainable development, international trade and inclusive economic growth. By facilitating international trade in goods, including food, energy, raw materials, manufactured goods and medical supplies, providing employment

and supporting livelihoods, international shipping also underpins the achievement of many of the Sustainable Development Goals. UNCLOS and the shipping-related international legal instruments developed within its overall framework are therefore indispensable instruments on the journey towards sustainable development.



# Marine scientific research

Recalling that marine science is important for eradicating poverty, contributing to food security, conserving the world's marine environment and resources, helping to understand, predict and respond to natural events and promoting the sustainable development of the oceans and seas, by improving knowledge, through sustained research efforts and the evaluation of monitoring results, and applying such knowledge to management and decision-making

(General Assembly resolution 77/248, preamble)

Despite covering more than 70 per cent of the Earth, the ocean is still largely unexplored and scientific knowledge of it is limited. Ocean science is, however, critical to making the best possible decisions to ensure the conservation and sustainable use of the ocean and its resources. Deepening that understanding is therefore essential for sustainable development.

The fundamental role of science in ocean management, including by setting out a comprehensive framework for the conduct and promotion of marine scientific research, is recognized in UNCLOS. On the one hand, the Convention sets out the right of all States to conduct such research, with the right to conduct, regulate and authorize it within maritime zones under their sovereignty or jurisdiction and the right to conduct research in the Area in conformity with the provisions of Part XI and on the high seas. On the other hand, States are required under UNCLOS to promote and facilitate the development and conduct of such research and to promote international cooperation as well as the flow of scientific data and information in this respect. UNCLOS further facilitates marine scientific research through the establishment of well-defined rights and obligations for its conduct in the various maritime zones.



Photo: Frank Gazzola, United Nations World Oceans Day photo competition, 2020.

As one of the principal international organizations concerned with marine scientific research, the [Intergovernmental Oceanographic Commission of UNESCO](#) (IOC-UNESCO) was established in 1960. It promotes international cooperation and coordinates programmes and projects in marine research, services, observation systems, hazard mitigation and capacity development. In establishing a new legal framework for marine scientific research, UNCLOS had implications for the work of IOC-UNESCO and, in 1997, an [Advisory Body of Experts on the Law of the Sea](#) was established to provide IOC-UNESCO with advice on matters concerning the application of UNCLOS.

The work of the Advisory Body resulted in the adoption of a [procedure for the application of article 247 by IOC-UNESCO](#), which represents a significant step in the implementation of UNCLOS with regard to projects undertaken by or under the auspices of international organizations. The work of the Advisory Body also encompassed challenges relating to new technologies. Given the differing views on how the legal regime under UNCLOS should apply to such instruments, guidelines were developed and adopted by States members of IOC-UNESCO through [resolution EC-XLI.4](#) in 2008. This enabled important international research efforts to continue under the [Argo programme](#), which is part of the [Global Ocean Observing System](#) and consists of a fleet of some [3,000 floats](#) drifting with ocean currents to collect critical ocean data, consistent with the framework established by UNCLOS. IOC-UNESCO continues to consider the best ways to encourage sustained ocean observation, including in the light of new technologies such as remotely operated and autonomous underwater vehicles, as well as by [considering](#) how to facilitate ocean observation in areas under national jurisdiction.



Photo: Edward Herreño, United Nations World Oceans Day photo competition, 2020.

Adequate technology is necessary for the conduct and promotion of marine scientific research. This is recognized in Part XIV of UNCLOS in the requirement for parties to cooperate in promoting the development and transfer of marine technology, with a particular focus on building the capacities of developing States in this respect. In support of the transfer of marine technology regime established under UNCLOS, IOC-UNESCO adopted the [Criteria and Guidelines on the Transfer of Marine Technology](#) in 2005. Expressly recognized in target 14.a of the Sustainable Development Goals, these guidelines are aimed at providing guidance on how such a transfer could take place, facilitating the application of the relevant provisions of UNCLOS and promoting capacity-building through international cooperation.

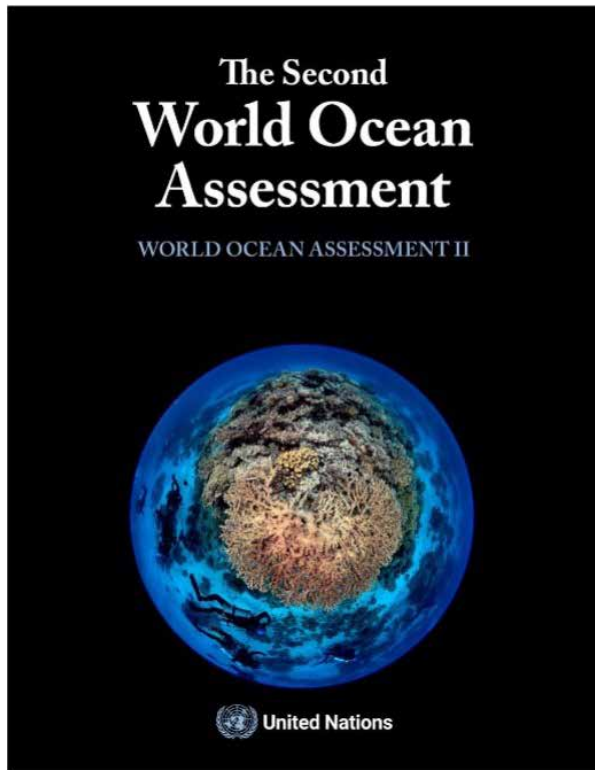


Photo: United Nations/Division for Ocean Affairs and the Law of the Sea.

Ocean science can reach its full potential only if results are effectively used to inform decision-making. However, science may not always be available to policymakers or be presented in a format that easily

translates into policy decisions. In this respect, efforts to bridge the so-called science-policy interface are crucial. Several organizations, bodies and processes within the United Nations system play a role in facilitating exchanges between scientists and policymakers in the ocean context. These include the [Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects](#), which produces a [regular assessment of the state of the world's ocean](#) in a format that is accessible for policymakers.

Despite the fact that healthy and sustainably managed oceans are key to achieving the Sustainable Development Goals, [funding for ocean science remains comparatively low](#). Concerns also persist regarding the [underrepresentation of women in ocean science](#). To mobilize action towards transformative ocean science solutions for sustainable development, the General Assembly proclaimed the Ocean Decade ([United Nations Decade of Ocean Science for Sustainable Development](#)) for 2021–2030, which is coordinated by IOC-UNESCO. The aim of the Decade is to increase investment in ocean science that will empower and engage stakeholders across disciplines, geographies, generations and genders. It will deliver lasting change and enable States to achieve the conservation and sustainable management of ocean and marine resources, in line with Sustainable Development Goal 14.



# **Snapshot:** **Regional outlook for Asia and the Pacific**

Notes with appreciation efforts and initiatives at the regional level, in various regions, to further the implementation of the Convention and to respond, including through capacity-building, to issues related to maritime safety and security, the conservation and sustainable use of living marine resources, the protection and preservation of the marine environment and the conservation and sustainable use of marine biodiversity

(General Assembly resolution 77/248, para. 353)

In Asia and the Pacific, at least [200 million people depend on the ocean for their livelihoods](#). The region is biologically diverse; it is estimated to be home to 71 per cent of the world's coral reefs and 45 per cent of mangroves. Economies rely on the ocean, with countries in the region home to more than half of fisheries and around [90 per cent of aquaculture globally](#). Communities depend on fisheries and tourism services for food and income; these activities rely on a healthy ocean and must be managed sustainably. The ocean cannot be separated, geographically or culturally, from people's identities and lifestyles.

The rights and obligations set out in UNCLOS are essential for regular economic activities across the region. For example, the regime of maritime zones establishes a clear basis for delimiting the maritime spaces and boundaries on which economic activities such as fisheries depend. While illegal, unreported and unregulated fishing [continues to be a challenge](#), the maritime zones established by UNCLOS have enabled the creation of instruments, such as the [Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing](#), that deter such practices.



Photo: Alex Lindbloom, [United Nations World Oceans Day photo competition, 2017](#).

The ocean and UNCLOS provide a lifeline to remote nations and enable maritime trade, as well as the transit of passengers, connecting communities and families every day. Provisions of UNCLOS are essential to promoting peaceful regional cooperation and transboundary economic development. During the coronavirus disease (COVID-19) pandemic, the role of maritime connectivity was decisive. While airports and highways faced closures and lockdowns, shipping provided safe passage for food, medication, face masks, personal protective equipment, medical personnel and vaccines, even to the most remote islands on the planet.

UNCLOS and related instruments continue to be the backbone of international cooperation and the framework for effective policymaking in ocean affairs. The [Economic and Social Commission for Asia and the Pacific \(ESCAP\)](#) work programme is aligned with specific elements of UNCLOS and the implementation of the 2030 Agenda. To support the [realization of Sustainable Development Goal 14](#), ESCAP has developed an [accelerator approach](#), optimizing development benefits aligned with national priorities through the identification of pivotal interventions with a positive multiplier effect. The ocean-related [capacity development and technical assistance activities](#) of ESCAP take a holistic approach, considering national laws and regulations as well as the overarching international framework under the UNCLOS architecture. Regional cooperation activities for effective ocean governance are regularly promoted, including embracing innovative uses of data to measure progress towards the achievement of Goal 14.

In the future, the ocean will continue to play a crucial role in Asia and the Pacific, including in opportunities for the transition towards a blue economy. These opportunities are accompanied by many challenges, most notably climate change. In this regard, one of the strategic areas of support from ESCAP includes promoting ocean-based solutions to tackle climate change, in line with the [regional decade programme](#) developed in collaboration with UNEP and the United Nations Development Programme (UNDP) as a joint contribution to the implementation of the Ocean Decade in Asia and the Pacific.



# Capacity-building

Emphasizes that capacity-building is essential to ensure that States, especially developing countries, in particular the least developed countries, landlocked developing countries and small island developing States, as well as coastal African States, are able to fully implement the Convention, benefit from the sustainable development of the oceans and seas and participate fully in global and regional forums on ocean affairs and the law of the sea

(General Assembly resolution 77/248, para. 11)



The full and effective implementation of the international law of the sea, as reflected in UNCLOS and related instruments, is dependent on States' capacity to meaningfully engage with the legal framework and effectively manage ocean spaces, resources and activities. It is also essential for States to achieve sustainable development, including meeting the ocean-related goals and targets of the 2030 Agenda, in particular Sustainable Development Goal 14. However, capacity development in ocean affairs and the law of the sea remains a significant need for many developing States, in particular small island developing States and the least developed countries.

Capacity-building activities concerning UNCLOS and related agreements are carried out by various United Nations system entities within their respective mandates. The Division for Ocean Affairs and the Law of the Sea, as the secretariat for both UNCLOS and the Fish Stocks Agreement, provides capacity-building and other assistance to developing States in ocean affairs and the law of the sea. It has provided an ongoing [needs-based programme of assistance](#) to States in the uniform and consistent application of UNCLOS and related agreements, as well as ocean affairs more broadly, since the adoption of UNCLOS. The Division also cooperates with other intergovernmental organizations and development partners. Through ad hoc and multi-year projects, it assists States in reinforcing their capacities in ocean affairs and the law of the sea, including through [technical cooperation programmes](#), regional and national workshops, training, [fellowships](#) and [ocean governance studies](#), while also addressing cross-cutting issues such as ocean governance and the science-policy interface, sustainable ocean-based economies and ocean finance, the 2030 Agenda and the Sustainable Development Goals, and gender and ocean affairs. [Voluntary trust funds](#) managed by the Division also provide financial support for developing States to participate in the work of the General Assembly related to oceans and the law of the sea and assist in the implementation of UNCLOS.

UNDP, as the lead United Nations agency on international development, which acts as a [knowledge broker](#), [capacity-builder](#), [innovator and facilitator](#), has mobilized more than \$500 million in financial resources that have supported developing States parties to UNCLOS in meeting various obligations thereunder. A sizeable fraction of these resources has been mobilized for projects and programmes financed by the [Global Environment Facility](#), relating, inter alia, to the protection of the marine environment from threats including pollution, [invasive species](#), [biofouling](#), unsustainable fishing and habitat loss. In addition, many of the UNDP [large marine ecosystems](#), fisheries management and shipping projects and programmes support States in their implementation of UNCLOS by including extensive investments in research, scientific data

collection, capacity-building in science and research, data- and information-exchange and [publications](#), as well as by promoting international cooperation and assisting States in [catalysing ocean finance](#). The UNDP large marine ecosystem and [transboundary waters](#) programming also works towards advanced water resource management and combating marine pollution.



Photo: Celia Kujala, [United Nations World Oceans Day photo competition, 2020](#).

FAO provides [capacity development](#) in the form of legal, policy and technical advisory services and assistance to Governments to support the formulation or revision of national fisheries and aquaculture legislation, policies and institutional arrangements, as well as on related issues. FAO provides [support services](#) to regional and subregional fisheries organizations to develop their legal framework, as well as technical capacity to assist Governments in strengthening research, statistics and information systems to support evidence-based policy decisions at the national and regional levels.

For its part, the International Seabed Authority is tasked with developing and implementing dedicated programmes to enable the effective participation of developing States in activities carried out in the Area, and has adopted a [programmatic approach to capacity development](#) and developed a [dedicated strategy](#) for this purpose. Five key areas for action are recognized in the strategy, including the need to improve deep-sea literacy, strengthen technology transfer and technical assistance and advance the empowerment and leadership of women in deep-sea-related disciplines and ocean governance issues. Special emphasis is also placed on addressing the specific needs of the least developed countries, landlocked developing countries and small island developing States.

UNEP is [supporting activities to build capacity in the ocean sphere](#), including through assistance in strengthening the legal infrastructure, developing new institutional mechanisms and transferring appropriate technology. [The UNEP Regional Seas Programme](#),



discussed above, and its regional activity centres, provide specialized support for assessments, research and capacity-building. Regional seas conventions and action plans also work to facilitate knowledge-sharing and best practices, while programmes on topics including the management of marine protected areas, as well as data collection and analysis, have been hugely popular and effective in supporting progress towards achieving Sustainable Development Goal 14.

In order to build capacity and the necessary technical knowledge and resources required for the safe and efficient operation of the shipping industry, IMO has developed and implemented an [Integrated Technical Cooperation Programme](#). By prioritizing technical assistance focused on human resources and institutional capacity development, the Programme assists developing countries in improving their ability to comply with international rules and standards relating to maritime safety and the prevention and control of maritime pollution, as well as promoting sustainable livelihoods and poverty eradication.

[UNCTAD research, analysis, technical advice and other capacity-building activities](#) on policy and legal issues are designed to assist decision-making by policymakers on a wide range of subjects in the field of transport and in identifying associated capacity-building needs and appropriate regulatory responses. Areas of focus range from [commercial maritime law](#) to the

legal framework for ship-source pollution, piracy, seafarers and the important issue of [climate change adaption for ports and other critical coastal transport infrastructure](#).

With ocean science essential to the implementation of UNCLOS, IOC-UNESCO supports an increase in science capacity in developing countries. Through education and the [transfer of marine technology](#), IOC-UNESCO promotes international cooperation and coordinates programmes and projects in various areas, including capacity development. [The Ocean Decade](#), as a global campaign to upgrade capacity and investment in transformational ocean science, will assist States in achieving all the ocean-related priorities of Agenda 2030, in particular the targets of Sustainable Development Goal 14.

Capacity is a critical aspect of development. Without the relevant capacity in ocean affairs, the law of the sea and ocean science, [including through the empowerment of women and girls](#), States cannot achieve sustainable development. Through the activities of these and other agencies, capacity is being developed to support States in the implementation of UNCLOS and related agreements, ultimately assisting them in achieving Goal 14 and the 2030 Agenda more broadly and in realizing the full potential of sustainable ocean economies.



# **Conclusion**

Forty years ago, UNCLOS established a legal regime that struck a delicate balance between the traditional freedoms of States and the need to regulate ocean-related activities. This regime has proven to be both remarkably resilient and highly successful, promoting the peaceful and sustainable use of the ocean and its resources. Indeed, UNCLOS is among the most important achievements of the United Nations, encompassing the force and hope of multilateralism to ensure order in the ocean.

The work of the various UN-Oceans members illustrated in this publication demonstrates the wide range of issues critical to sustainable development that arise within the framework of UNCLOS and exemplifies how solutions to global problems can be found through international cooperation and the further development of the legal regime. This is the time to reinforce our determination to implement UNCLOS in a full and effective manner, with the support and cooperation of States and United Nations entities. In

addition, as the outcome of the 2022 United Nations Ocean Conference [made clear](#), multidisciplinary and multi-stakeholder partnerships with the private sector will be essential if we are to realize the promise of the sustainable development of our ocean.

With the multiple threats facing our ocean due to climate change, overexploitation, biodiversity loss and pollution, UNCLOS will remain a steadfast guide in the transition to a more sustainable future. It will continue to provide a secure basis for the ocean to support human lives and livelihoods and the vast ecosystems on which all life on Earth depends, as well as the framework for further action necessary to address major global challenges and emerging issues. The fortieth anniversary of UNCLOS provides us with an opportunity to reflect on successes and to recall the spirit of multilateralism that led to its momentous adoption. Let us work to renew that sense of hope and collaboration as we move forward, as one United Nations, to tackle the new challenges ahead.

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