

DOALOS/United Nations – Nippon Foundation Alumni Law of the Sea Training Programme



An introduction on sustainable development and the SGDs in relation to oceans and the law of the sea



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA
UNITED NATIONS

Welcome and opening

Programme

Welcome and opening

2:00 pm - 2:10 pm

Ms. Valentina Germani, Senior Legal Officer
(Programme Advisor), DOALOS

Overview of the concept of sustainable development in the context of ocean affairs and the law of the sea

2:10 pm - 2:35 pm

Ms. Alice Hicuburundi, Senior Legal Officer, DOALOS

Sustainable Development Goals with a focus on their relevance to ocean affairs and the law of the sea

2:35 pm - 3:00 pm

Mr. Yoshinobu Takei, Legal Officer, DOALOS

Q&A session

3:00 pm - 3:30 pm

Moderated by Ms. Valentina Germani, Senior Legal Officer
(Programme Advisor), DOALOS

Overview of the concept of sustainable development in the context of ocean affairs and the law of the sea

Ms. Alice Hicuburundi, Senior Legal Officer,
DOALOS

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Objectives

- Trace the progressive incorporation of concepts related to sustainable development in the development of the law of the sea and ocean policy
- Demonstrate how concepts related to sustainable development were incrementally reflected in various attempts to codify the law of the sea
- Introduce you to the United Nations Convention on the Law of the Sea (UNCLOS) and to other agreements that complement the UNCLOS regime.

What is sustainable development?

- *Sustainable development is development that meets the needs of the present, without compromising the ability of future generations to meet their own needs.* (Brundtland Commission 1987)
- Aims to balance different, and often competing, needs against an awareness of the environmental, social and economic limitations we face as a society (integration)

Evolution of Sustainable Development

1972 UN Conference on the Human Environment, Stockholm:

- Consensus that both development and the environment, previously addressed as separate issues, could be managed in a mutually beneficial way



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Maurice Strong, Secretary General of the United Nations
Conference on the Human Environment

Evolution of Sustainable Development

1987 World Commission on Environment and Development (the Brundtland Commission) report *Our Common Future*:

- Popularized the 'classic' definition of sustainable development
- Discussed sustainable development as the solution to the problems of environmental degradation



Norwegian Prime Minister Gro Harlem Brundtland,
Chairperson of the Commission
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Evolution of Sustainable Development

1992 United Nations Conference on Environment and Development, Rio de Janeiro:

- Delivered two key outcomes: Rio Declaration and Agenda 21
- First international action plans and strategies for moving towards sustainable development



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2002 World Summit on Sustainable Development, Johannesburg:

- Delivered three key outcomes:
 - a Political Declaration,
 - the Johannesburg Plan of Implementation
 - a range of partnership initiatives



2012 UN Conference on Sustainable Development, Rio de Janeiro:

- Secured renewed political commitment for sustainable development
- Addressed new and emerging challenges
- Outcome document, *The future we want*

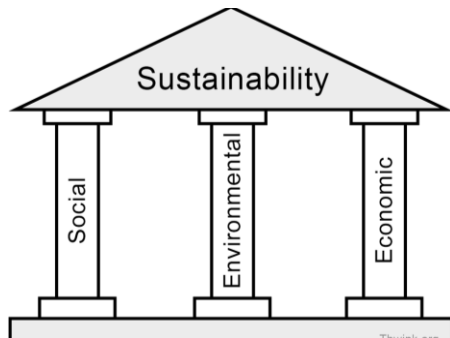


Goals of Sustainable Development

To meet the needs of the present, without compromising the ability of future generations to meet their own needs

- Exploitation of resources, direction of investments, orientation of technological development, and institutional/governance changes are made consistent with future as well as present needs
- Three ideas are emphasized:
 1. the concept of needs, especially those of the developing nations, and
 2. the idea of limitations on the environment's ability to meet present and future needs
 3. An understanding of social implications of different development paths

Principles of Sustainable Development



- The 1992 Rio Declaration on Environment and Development set out 27 guiding principles for sustainable development throughout the world
- Includes generally accepted principles for global governance of the environment

Principles of Sustainable Development

- **Principle 1:** Human beings are at the center of concerns for sustainable development.
- **Principle 2:** The sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.
- **Principle 7:** States have common but differentiated responsibilities.
- **Principle 15:** precautionary approach.
- **Principle 17:** Environmental impact assessment.

The Incorporation of concepts related to sustainable development into UNCLOS and related instruments

The Third UN Conference on the Law of the Sea

- In 1973, the UN General Assembly convened the Third UN Conference on Law of the Sea.
 - The Conference which consisted of a series of negotiation, resulted in 1982 in the adoption of the UN Convention on the Law of the Sea.
- “Constitution of the Oceans”
 - *Conscious that the **problems of ocean space are closely interrelated and need to be considered as a whole,***
 - *Recognizing the desirability of establishing through this Convention, with **due regard for the sovereignty of all States, a legal order for the seas and oceans** which will facilitate **international communication**, and will **promote the peaceful uses of the seas and oceans**, the **equitable and efficient utilization of their resources**, the **conservation of their living resources**, and the **study, protection and preservation of the marine environment**,*
 - *Bearing in mind that the achievement of these goals will contribute to the realization of **a just and equitable international economic order** which takes into account **the interests and needs of mankind as a whole** and, in particular, the special interests and **needs of developing countries, whether coastal or land-locked.***

The Third UN Conference on the Law of the Sea

- UNCLOS consolidates and builds on previous legal developments that progressively mainstreamed concepts associated with sustainable development within the ocean space. For instance,
 - the Conference came on the heels of the UN Conference on the Human Environment and was particularly influenced by those developments. *This accounts largely for the particular attention the Convention gives to issues affecting the marine environment and the significant inclusion of Part XII in the Convention.*
 - Also, the Convention adopts the “**stocks or species specific**” approach to the protection, management and protection of living resources that was particularly dominant in the period before the 1958 Conventions.
 - The Convention, recognizes the **ecological interconnectedness of the ocean space** and the need for a multifaceted approach to dealing with issues related to the use of oceans and their resources as highlighted by the work of other intergovernmental fora such as the FAO and the IMO.
 - Finally, the Convention incorporates later norms that developed regarding the development **and use of the Area, the Sea-Bed and the Ocean Floor beyond the limits of national jurisdiction, for the benefit of mankind as a whole**”, most notably from the work of the Committee to Study the Peaceful Uses of the Sea-bed and Ocean Beyond Limits of National Jurisdiction (Seabed Committee), 1968 - 1973

How UNCLOS incorporates concepts related to sustainable development within the context of oceans

- The Convention establishes a balanced framework between the rights of States to use the oceans and their resources, and the need to protect and preserve the marine environment.
- Coastal States rights/duties vs. Freedoms that can be exercised by other States.
- Sovereign rights over resources vs. Free access to resources
- Narrow margins and other geographic disadvantages vs. wide margins and other geographic advantages



How UNCLOS incorporates concepts related to sustainable development within the context of oceans

- The Convention incorporates the three dimensions of sustainable development, namely, environmental, social and economic, by regulating matters as diverse as:
 1. The protection and preservation of the marine environment;
 2. Sustainable use and conservation of marine resources
 3. Marine Scientific Research
 4. Access rights of non-coastal States to marine living resources within the EEZ of coastal States
 5. Navigation, Safety at Sea and Labour Conditions of Seafarers
 6. Strengthening international cooperation and coordination for ocean governance at the regional and global Levels
 7. The Area and Common Heritage of Mankind

1. The protection and preservation of the marine environment

**General Obligation
to protect and
preserve the marine
Environment.
(Art 193)**

**Sovereign right of
States to exploit
their natural
resources
(Art 193)**

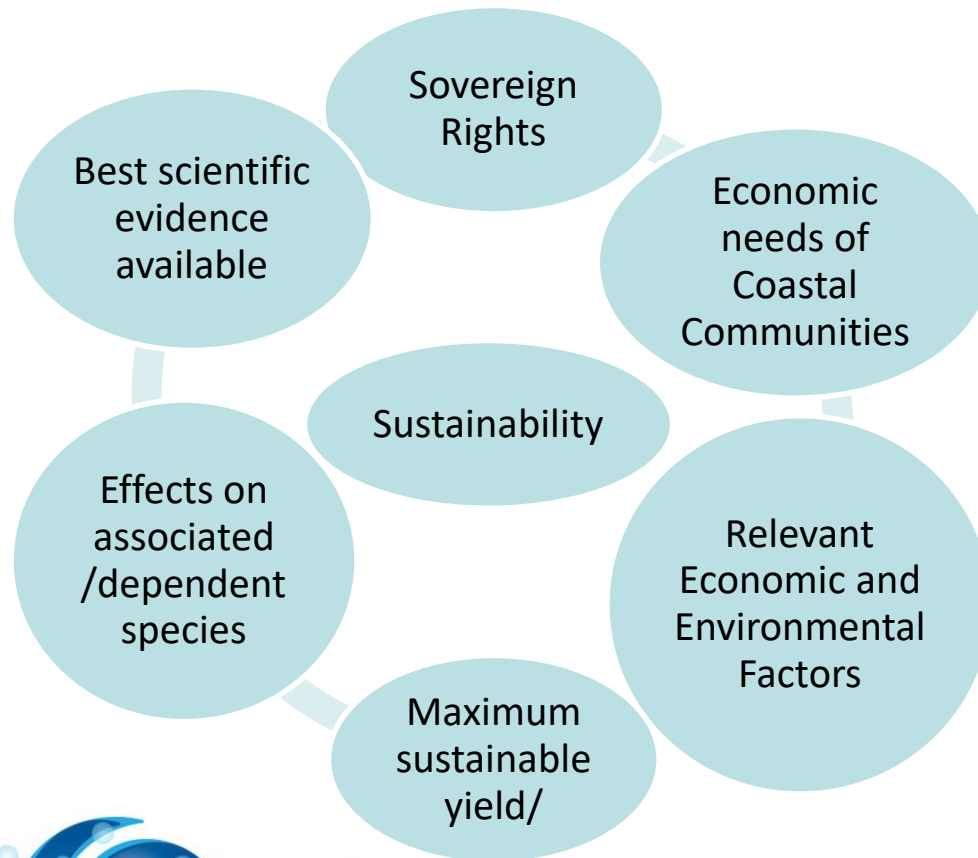
**Conservation and
Sustainable Use of
Marine Resources**



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2. Sustainable use and conservation of marine resources

Exploitation of Marine Living Resources within the Exclusive Economic zone



Exploitation of Non-Living Resources within the Exclusive Economic Zone

- Coastal States have sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, within the Exclusive Economic Zone (EEZ). (Art. 56)
- The exploitation of non -living resources within the EEZ is subject to Part XII, which requires that States exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment.

3. *Marine Scientific Research*

- The attention given to marine scientific research by the Convention emphasizes the importance of ongoing marine scientific research to a better understanding of the ocean, and of how we humans can sustainably interact with the ocean.
- MSR can be conducted in all maritime zones, but the regime that applies is different.
- **General Principles governing the conduct of MSR**
 - ❖ All States have the right to conduct MSR
 - ❖ States have a duty to promote and facilitate MSR
 - ❖ MSR must be exclusively for peaceful purposes
 - ❖ MSR must be conducted with appropriate scientific methods and means
 - ❖ MSR must not unjustifiably interfere with other legitimate uses of the sea
 - ❖ MSR must comply with adopted regulations (e.g., for the protection and preservation of the marine environment)
 - ❖ MSR must not constitute the legal basis for any claim to any part of the marine environment or its resources

4. *Navigation, Safety at Sea and Labour Conditions of Seafarers*

Maritime Navigation

- Guarantees the right to navigate in all maritime areas
- Establish sea lanes and traffic separation schemes
- Prevention of Collision at sea

Safety at Sea

- Search and Rescue
- Render assistance to any person found at sea
- Ships must have nautical charts, and equipment's appropriate for safe navigation

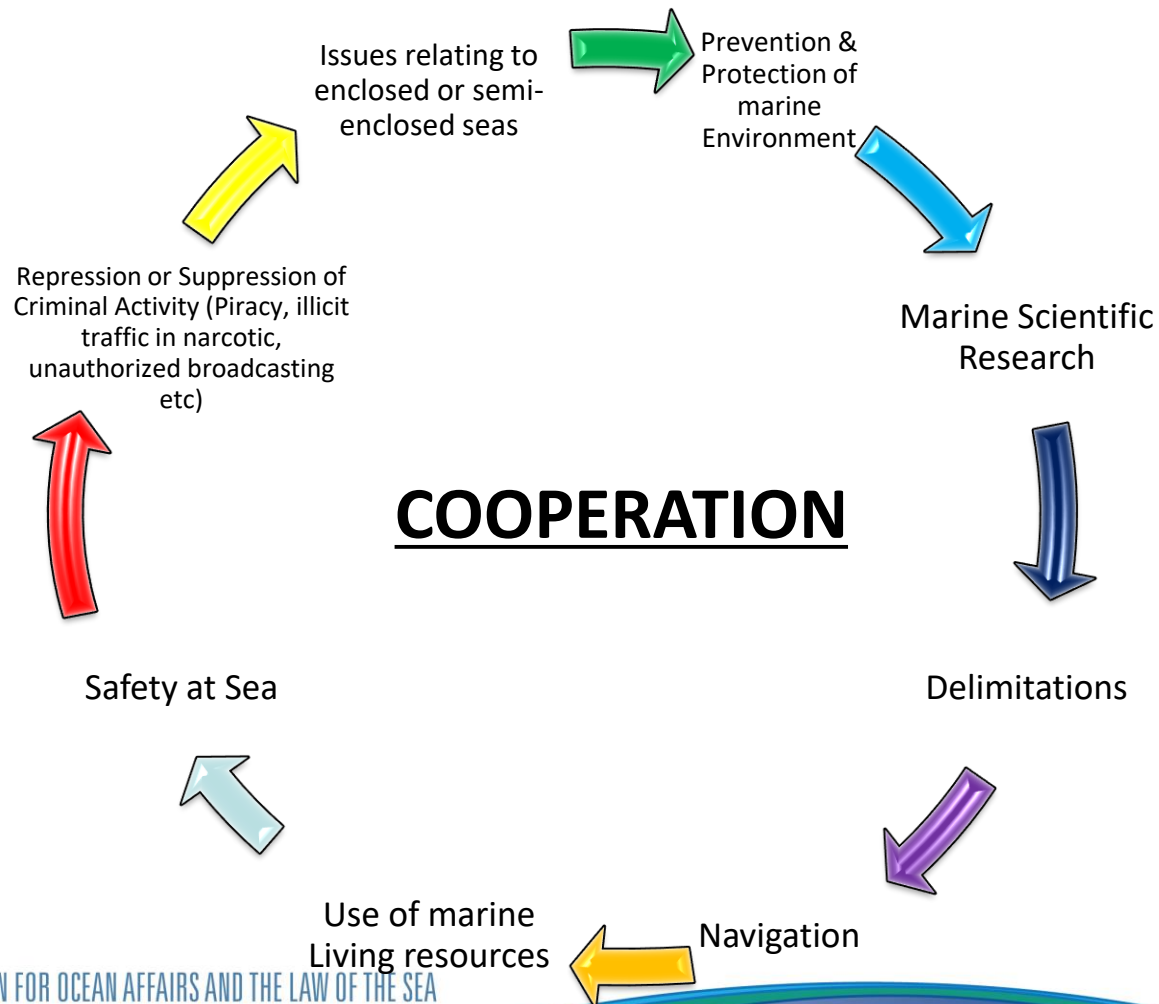
Conditions of Seafarers

- Flag States must take measures to ensure appropriate qualifications and training of Crews; Labour conditions of seafarers, compliance with international rules.



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5. Strengthening international cooperation and coordination for ocean governance at the regional and global levels



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Overview of other relevant instruments

- The general principles set out in UNCLOS are supplemented by specialized instruments, which are largely based on sectoral and/or regional approaches.

Sectoral and/or regional instruments

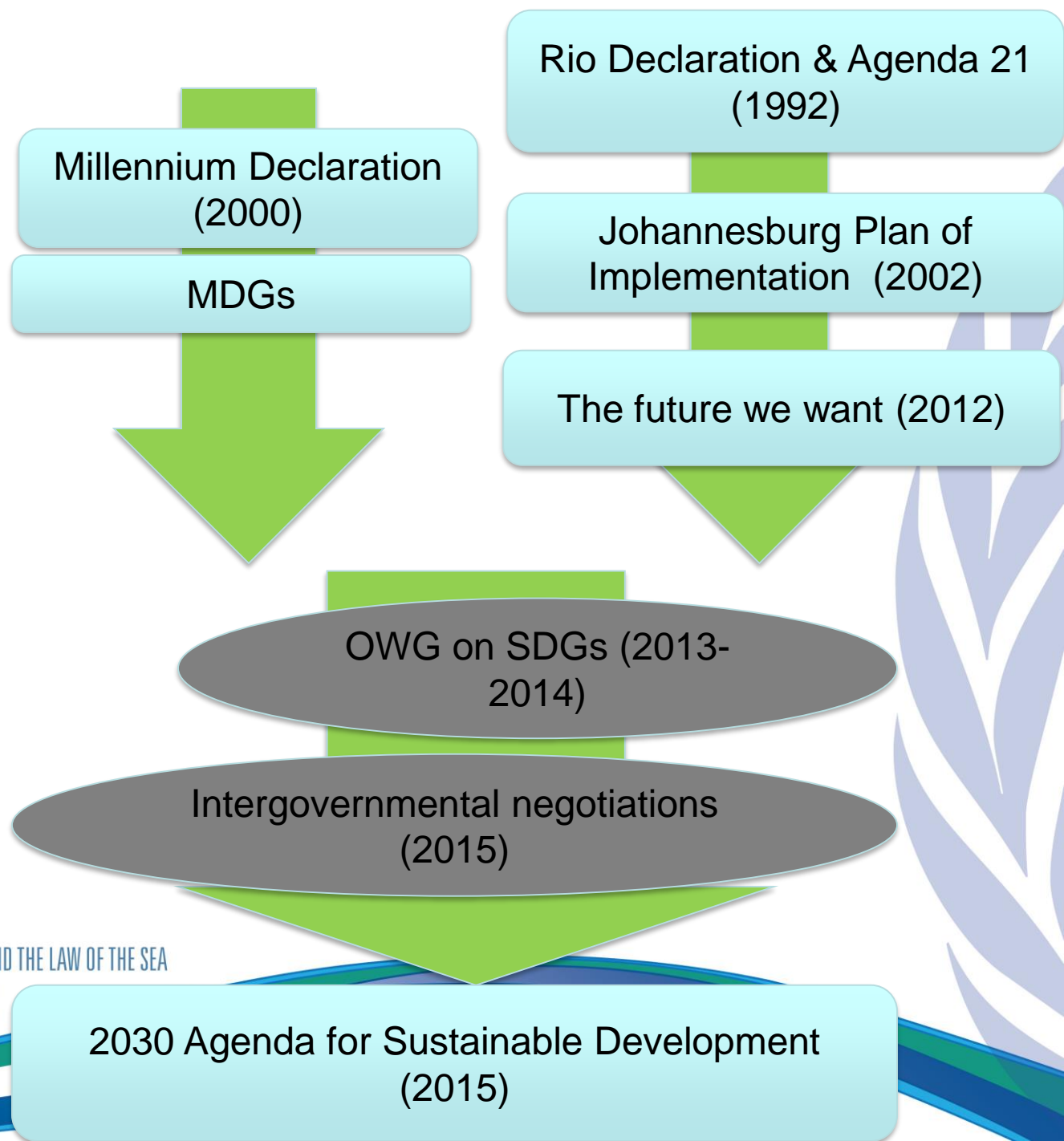
- **I. Fishing** : ((e.g. FAO instruments, General Assembly resolutions, RFMO instruments and biodiversity instruments)
- **II. Shipping**
 - Navigation
 - Marine Environment;
 - Trade;
 - Labour Conditions of Seafarers, Fishers and Dockworkers)
- **III. Biodiversity and Marine Environment:** (Land-based activities which affect the oceans; Activities affecting the ozone layer; Climate change; Regional seas conventions and action plans)

Sustainable Development Goals with a focus on their relevance to ocean affairs and the law of the sea

Mr. Yoshinobu Takei, Legal Officer, DOALOS



Background



SDGs



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Conserve and sustainably use the oceans,
seas and marine resources for sustainable
development

SDG 14

- ❑ 14.1 By 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution
- ❑ 14.2 By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans
- ❑ 14.3 Minimize and address the impacts of ocean acidification, including through enhanced scientific cooperation at all levels
- ❑ 14.4 By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics

SDG 14 (cont.)

- ❑ **14.5 By 2020, conserve at least 10 per cent of coastal and marine areas, consistent with national and international law and based on the best available scientific information**
- ❑ **14.6 By 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the World Trade Organization fisheries subsidies negotiation**
- ❑ **14.7 By 2030, increase the economic benefits to small island developing States and least developed countries from the sustainable use of marine resources, including through sustainable management of fisheries, aquaculture and tourism**

SDG 14 (cont.)

- ❑ 14.a Increase scientific knowledge, develop research capacity and transfer marine technology, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular small island developing States and least developed countries
- ❑ 14.b Provide access for small-scale artisanal fishers to marine resources and markets
- ❑ 14.c Enhance the conservation and sustainable use of oceans and their resources by implementing international law as reflected in the United Nations Convention on the Law of the Sea, which provides the legal framework for the conservation and sustainable use of oceans and their resources, as recalled in paragraph 158 of “The future we want”

Follow-up and review

- ❑ High-level Political Forum on Sustainable Development (HLPF)
- Voluntary National Review (VNR)
- Inputs from intergovernmental forums and bodies
- SG report on SDG progress
- Global Sustainable Development Report (GSDR)

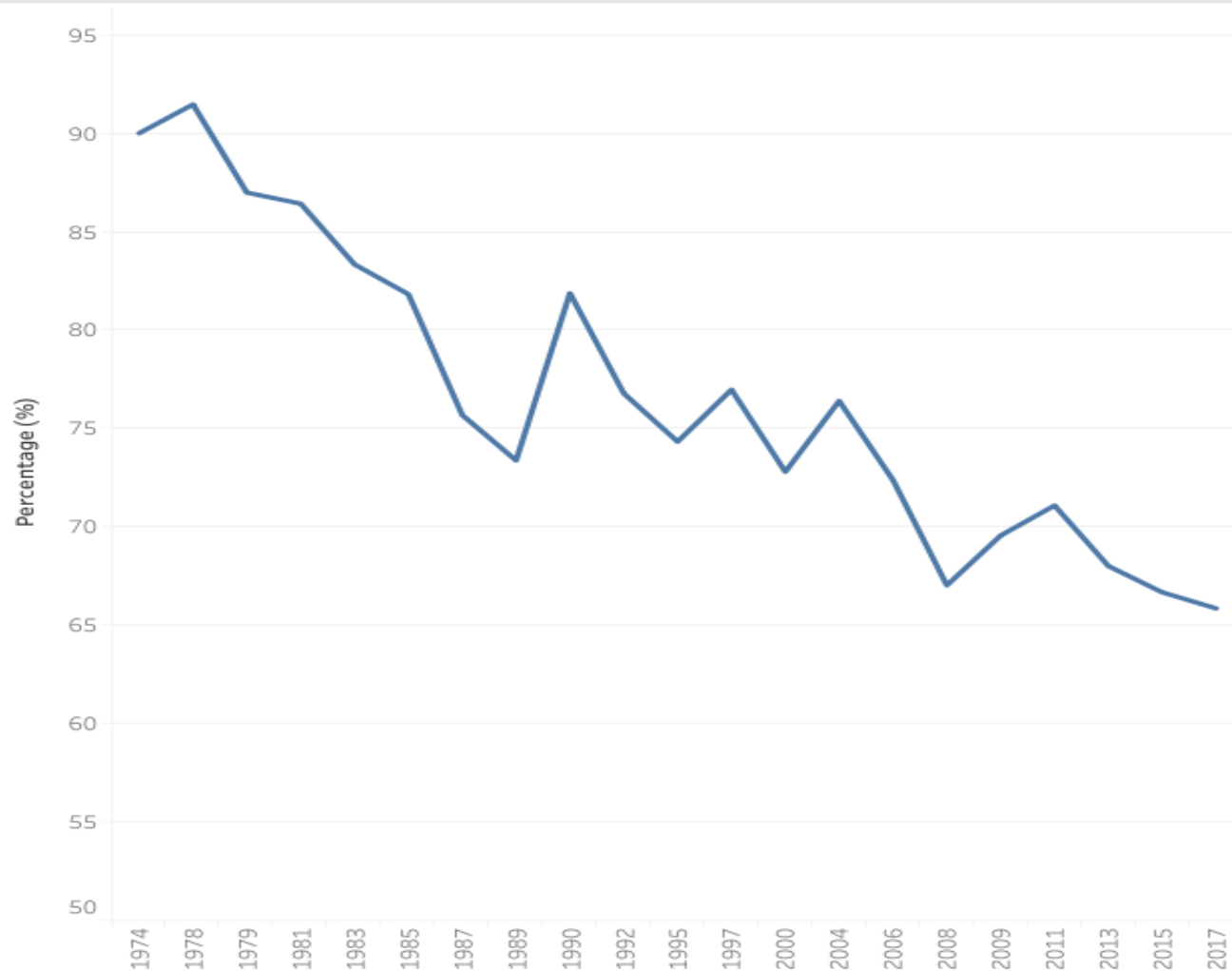
State of implementation

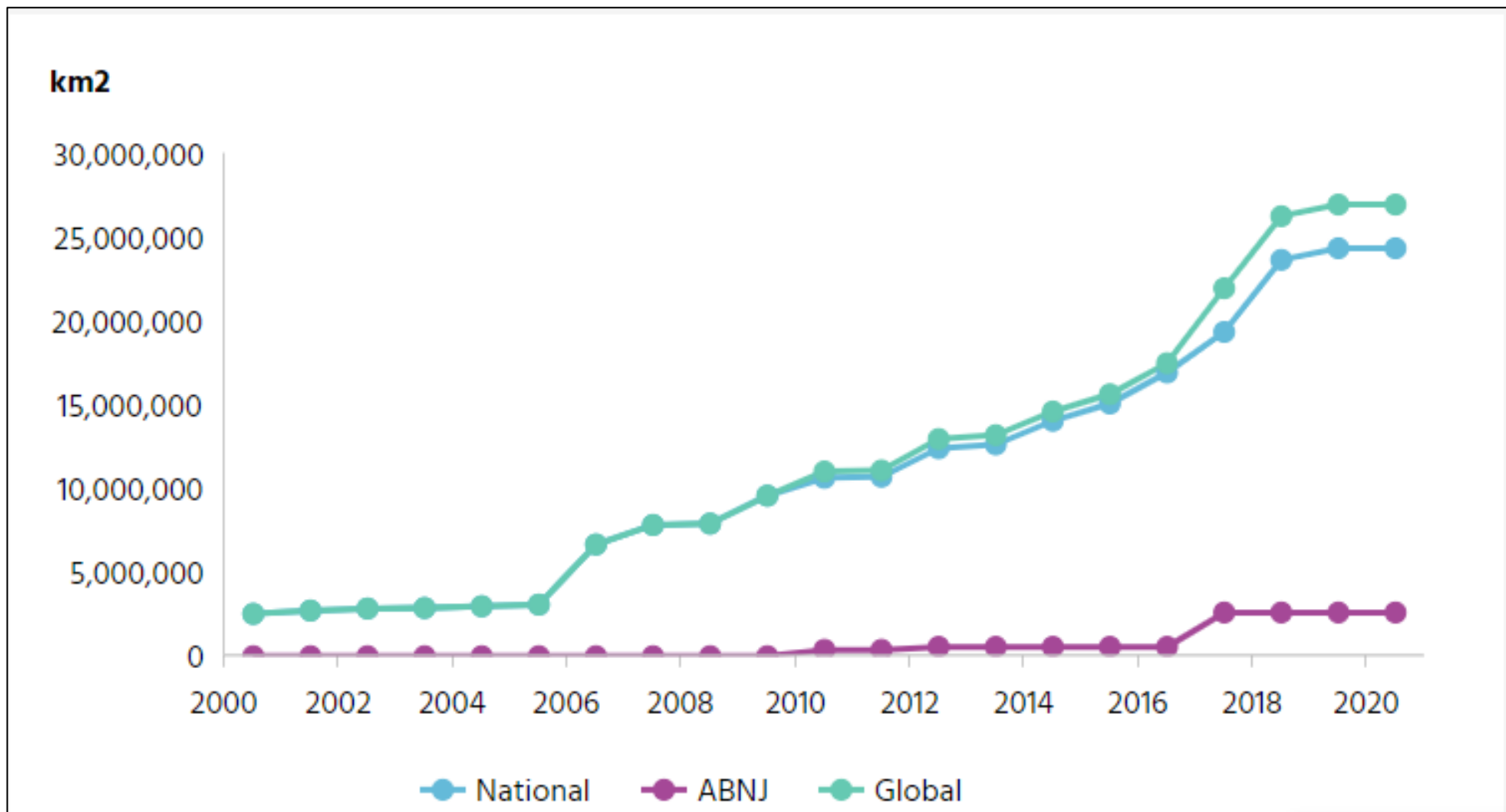
- ❑ HLPF under ECOSOC
- ❑ SDG Summit
- SG reports on SDG progress



Source: FAO website

Global proportion of fish stocks within biologically sustainable levels (1974-2017)





2017 UN Ocean Conference

Our Ocean, Our
Future: Call for
Action"

Co-chairs'
summaries of the
partnership
dialogues



Nearly 1,400 voluntary
commitments for the
implementation of Goal 14

2017 UN Ocean Conference follow-up



Coral reefs



Implementation of international law as reflected in United Nations Convention on the Law of the Sea



Mangroves



Marine and coastal ecosystems management



Marine pollution



Ocean acidification



Scientific knowledge, research capacity development and transfer of marine technology



Sustainable blue economy



Sustainable fisheries

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OCEAN CONFERENCE

HOME | SDG 14 | ABOUT THE CONFERENCE | CALL FOR ACTION | VOLUNTARY COMMITMENTS | COMMITTEES OF OCEAN ACTION | FRIP PROCEEDS | DOCUMENTATION | EVENTS | NEWS & MEDIA | ACCOUNT

THE OCEAN CONFERENCE

REGISTRY OF VOLUNTARY COMMITMENTS

1,566 COMMITMENTS | REGISTER COMMITMENT | SHARE UPDATE

ACTIVITY HUB

Barrow Pacific Joint Chair of Science and Climate Change (BPSJCSCC/2017)

The President of the Chair was announced 1 August 2018 with a ceremony held at 20 September 2018. An initial meeting to develop the Chair was held in Suva in November 2018 with representatives from the University of the South Pacific and University of Georgia. The Chair was announced 1 August 2018 with a ceremony held at 20 September 2018.

2020 UN Ocean Conference (Lisbon, Portugal)

- ❑ "Scaling up ocean action based on science and innovation for the implementation of Goal 14: stocktaking, partnerships and solutions"
- ❑ What is new?
- ✓ Update on the implementation of VCs made in the context of the 2017 Ocean Conference
- ✓ Share ongoing efforts, successes and challenges between relevant ocean-related initiatives and processes
- ❑ Declaration, Co-chairs' summaries of interactive dialogues, new voluntary commitments

2020 UN Ocean Conference: key milestones



SG's
background
note

Preparatory
meeting
(February 2020)

Presentation of a
brief, concise and
action-oriented draft
declaration

Preparation of
concept papers on
each of the themes
of the interactive
dialogues

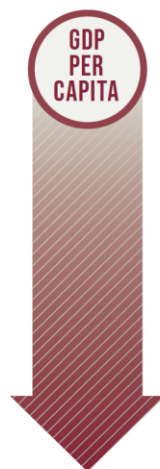
Intergovernmental
consultations on
the declaration



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Impacts of COVID-19 pandemic

COVID-19 IMPLICATIONS



THE WORLD FACES THE
WORST ECONOMIC RECESSION
SINCE THE GREAT DEPRESSION

GDP PER CAPITA
EXPECTED TO DECLINE
BY 4.2% IN 2020

COVID-19 IMPLICATIONS



\$554 BILLION IN 2019

\$445 BILLION IN 2020

COVID-19 IMPLICATIONS

LOCKDOWNS ARE INCREASING THE RISK OF
VIOLENCE AGAINST WOMEN AND GIRLS



PHYSICAL



SEXUAL



PSYCHOLOGICAL

CASES OF DOMESTIC VIOLENCE
HAVE INCREASED BY 30%
IN SOME COUNTRIES

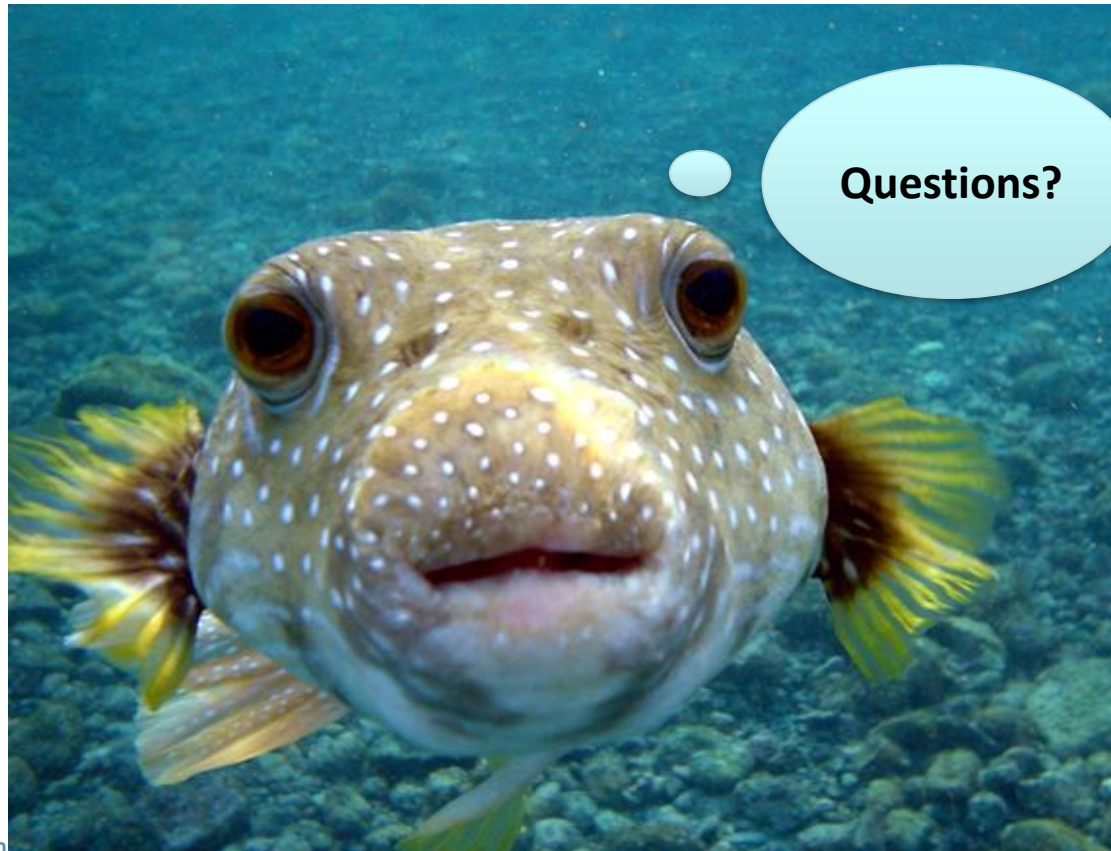
REMOTE LEARNING REMAINS
OUT OF REACH FOR
AT LEAST
500 MILLION STUDENTS



Source: DESA Policy
Brief #81

Thank you for your attention!

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Q&A session

Moderated by Ms. Valentina Germani, Senior
Legal Officer (Programme Advisor), DOALOS