



UNITED NATIONS OFFICE OF LEGAL AFFAIRS

Partnership Dialogue 7 - *Enhancing 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* United Nations

Statement

By

Mr. Miguel de Serpa Soares,

Under-Secretary-General for Legal Affairs and
United Nations Legal Counsel
Special Advisor to the Presidents on oceans and legal matters

United Nations Headquarters, New York
Conference Room 4: 10:00 am to 1:00 pm
9 June 2017

Distinguished Co-chairs,

Distinguished Moderator,

Excellencies,

Ladies and Gentlemen,

I wish to express my sincere appreciation for the invitation to contribute to this important partnership dialogue.

As United Nations Legal Counsel, as well as Special Advisor to the Presidents on oceans and legal matters, the topic of this partnership dialogue, which centers around strengthening the implementation of international law, is particularly significant to me. The central message I would like to impart today is that the implementation of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) is of fundamental importance to all of us. It is key to achieving all of the targets of Goal 14, as well as other ocean-related Goals of the 2030 Agenda for Sustainable Development. Consequently, it is critical to raise awareness of the importance of the Convention's full and effective implementation. Partnerships can play an important role to that end, in particular since the legal and normative framework for the oceans is very complex due to its comprehensiveness and predominantly sectoral focus.



Excellencies,

Distinguished delegates,

UNCLOS provides a broad, multi-sectoral and integrated approach to the management of ocean spaces, which also balances the three pillars of sustainable development. As reaffirmed annually by the General Assembly, the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out, and is the basis for international cooperation on ocean issues at the global, regional and bilateral levels. UNCLOS and its implementing agreements are complemented by a broad range of binding instruments regulating various aspects related to the sustainable use of the oceans and their resources and the protection and preservation of the marine environment. Numerous non-binding instruments, including codes of conduct, voluntary guidelines and General Assembly resolutions further supplement this framework. Together, these instruments provide a comprehensive set of rules, rights and obligations for effective action in relation to the sustainable development and management of the oceans and their resources.

States have already undertaken important commitments, both binding and non-binding, aimed at addressing each of the targets of Goal 14 that, if fully implemented, would significantly contribute to the achievement of those targets. International law relating to oceans therefore constitutes an invaluable tool for those seeking to spur action for the conservation and sustainable use of the oceans and their resources.

However, the effectiveness of the international legal framework in furthering sustainable development of the oceans and their resources depends on the full and effective implementation of its provisions. It is therefore critical to strengthen implementation, which in many cases remains uneven or insufficient, including by improving the capacity of States, in particular developing States, to implement relevant instruments. It is also necessary to maintain the necessary political will to promote implementation, including by raising awareness.

In order to move from words to action, all of us, including Governments, intergovernmental organizations, civil society and the private sector, need to work together towards a common purpose.



In this regard, the potential role of partnerships, in particular multi-stakeholder partnerships, cannot be overstated.

Partnerships aimed at strengthening the implementation of international law could take many forms and address many different aspects of implementation. In my remarks today, I would like to focus on one particular type of partnership highlighted in the focus questions for this partnership dialogue, namely: partnerships aimed at raising awareness of the importance of the participation in, and implementation of, the international legal framework for the oceans to achieving each of the targets of Goal 14.

Excellencies,

Distinguished delegates,

There is an urgent need to raise awareness, at all levels, regarding the international legal framework for oceans, as reflected in UNCLOS and complemented by other instruments. I would note that at a time when many of the original drafters of UNCLOS are no longer active in international affairs, maintaining and renewing law of the sea expertise in future generations is particularly important. Moreover, awareness-raising is an essential component of capacity-building aimed at ensuring that developing States can fully implement UNCLOS and benefit from the sustainable development of the oceans and seas.

At the global level, the General Assembly, as the global institution with the competence to undertake an annual consideration and review of developments relating to ocean affairs and the law of the sea, plays an important role in raising awareness of the importance of the full and effective implementation of the international legal framework for oceans, in an integrated and cross-sectoral manner.

However, additional awareness-raising in different fora can further ensure the uniform and consistent application of UNCLOS and related instruments, minimize duplication and fragmentation, and promote implementation. It can also support integrated approaches to ocean management.

At the regional level, such awareness-raising can ensure that regional initiatives are consistent with and build upon global rules and norms, and strengthen the implementation of those global rules and norms through those initiatives. It can also serve to promote integrated approaches, and enhance regional and inter-regional cooperation and coordination.



At the national level, awareness-raising is critical to national implementation, including through the development of policies and the enactment of appropriate legislation and regulations. It may also promote inter-agency cooperation and coordination at the national level, which is key to achieving cross-sectoral and integrated management approaches.

Finally, awareness-raising at the local level can help mobilize key stakeholders by drawing attention to the relationship between local activities and national and international challenges, as well as the relevance of international rules and regulations to addressing local challenges in the sustainable development and management of the oceans and their resources.

In this regard, it is important to recall that implementation of international law should be undertaken at all levels to be fully effective, and that both top-down and bottom-up approaches can be beneficial for this purpose.

Partnerships are important vehicles in this regard because they bring together different stakeholders and actors, such as governments, academics and civil society organizations, with complementary interests towards a common purpose. They can foster cooperation and integrated, multi-disciplinary and multi-level approaches. In addition, partnerships can help diminish or distribute the costs of action through the sharing of information and resources. Moreover, they can often reach broader audiences than any of the partners acting individually.

For example, as focal point for UN-Oceans - the inter-agency coordination mechanism on ocean and coastal issues within the United Nations system which includes the International Seabed Authority - I can point to the commitment undertaken by UN-Oceans members at this Conference. Our commitment is to come together at major intergovernmental meetings to provide briefings to inform participants of current ocean-related regulatory and policy frameworks as well as relevant activities (**# OceanAction16758**).

The concept note prepared for this partnership dialogue points out that few partnerships currently exist which are specifically aimed at strengthening the implementation of international law as reflected in UNCLOS. The question therefore arises what the international community can do to promote the development of such partnerships. In this regard, I would highlight the following three possibilities:

- Continuous awareness-raising of the symbiotic relationship between the implementation of Goal 14 and the implementation of UNCLOS;



- Sharing of information on successful partnerships and best practices so as to inspire the formation of additional partnerships;
- Ensuring that existing partnerships are continuously assessed and adjusted to maintain their relevance and momentum; and
- Taking advantage of ocean-related events such as this Conference to identify stakeholders with shared interests, forge connections and identify possible areas for collaboration.

It is also important to continue to highlight and promote the establishment of partnerships at all possible opportunities, just as we are doing today.

Excellencies,

Distinguished delegates,

Let me conclude with the same message I started out with. The full and effective implementation of international law, as reflected in UNCLOS, is fundamentally important, because it is inevitably intertwined with the achievement of the targets of, in particular, Goal 14. It is my sincere hope that this partnership dialogue will provide an impetus for all participating stakeholders to remain involved, to make commitments for future action and to deliver on the goal of enhancing conservation and sustainable use of oceans and their resources, by implementing international law, as reflected in UNCLOS.

I thank you for your attention.