



**UNITED NATIONS
OFFICE OF LEGAL AFFAIRS**

**Oceano Azul Foundation
Lunch with Board of Trustees and Directors**

Speech

by

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

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Distinguished Members of the Boards of Trustees and Directors
Ladies and Gentlemen,

It is a great pleasure to be with you today to discuss issues related to oceans and their sustainability for the benefit of present and future generations.

At the outset, I am pleased to note that we are starting from the shared understanding that oceans and seas are of profound economic, social, cultural and environmental significance to individual human beings and communities around the world. They are increasingly important contributors to the sustainable development of many States, as also demonstrated by States' efforts to develop ocean-based economies.

The community of States has long paid tribute to the essential role of oceans for human wellbeing and for the health of the planet, by developing a vision of ocean governance aimed at providing legal certainty, facilitating international communication, promoting peaceful uses, the conservation and sustainable use of resources, and the study, protection and preservation of the marine environment.



The United Nations Convention on the Law of the Sea (UNCLOS), which is referred to as the “constitution for the oceans”, provides the overarching legal framework for this vision, strengthened by additional legal and policy instruments developed at the global and regional levels to address specific issues.

My Office is the secretariat of this Convention and of the implementing agreement to the Convention related to conservation and management of straddling fish stocks and highly migratory fish stocks.

As you also identified in the Foundation’s vision statement, critical for the effectiveness of the legal and policy framework, is its implementation based on holistic and integrated approaches to ocean governance at all levels, from global to local.

However, this is precisely where the greatest challenges are encountered. In fact, despite the considerable progress that has been made in the development of what are very comprehensive legal and policy frameworks, we are facing a major problem. The deterioration of the state of our oceans has continued, and some might say accelerated, mainly as a result of purely sectoral approaches and ineffective implementation and compliance - mostly due to lack of capacity.

This means that the benefits we derive from the world’s oceans are being threatened by human activities, both at sea and on land.

To cite one of many telling examples, a 2016 study by the World Economic Forum estimated that in a business-as-usual scenario, the ocean is expected to contain one tonne of plastic for every three tonnes of fish by 2025, and by 2050, more plastics than fish in terms of weight.



Indeed, the First Global Integrated Marine Assessment, which was prepared under the aegis of the United Nations General Assembly, provides a stark picture of the current state of our oceans.

In light of its findings, the General Assembly has noted with concern that the world's ocean is facing major pressures simultaneously, with such great impacts that the limits of its carrying capacity are being, or, in some cases, have been reached.

This means is that in order to reverse the decline of our ocean, we must collaboratively address the multiple uses of the ocean and its resources and the sources of cumulative impacts.

These coordinated actions must be multisectoral, pluridisciplinary and based on the best science available. Solutions to these challenges must be understood and implemented within the global, regional, national and local contexts, and often across these levels.

This is no small task, but we should not underestimate the grave consequences of inaction for Humankind. We are however not starting from nothing. We already have a comprehensive legal and policy framework at the international level.

With respect to the global level, the General Assembly of the United Nations through its annual review of developments in ocean affairs and the law of the sea provides a global mechanism for further enhancing integrated and coordinated approaches to ocean governance, taking into full consideration developments in other relevant multilateral organizations.

The Assembly, including through its subsidiary bodies, undertakes its annual review in a comprehensive, integrated and non-sector-specific manner,



including with the aim to promote the science-policy interface and multi-stakeholder participation.

More specifically, and with respect to science, the First Global Integrated Marine Assessment and any future assessments under this process will continue to contribute substantially to making available the “best available science” to the General Assembly and other policy-making mechanisms.

Similarly, the General Assembly has established a process for the development of an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, with a view to considering issues within its mandate from an integrated and cross-sectoral perspective, including addressing cumulative impacts.

It is also noteworthy that the pressing issue of the effects of climate change on the oceans will be discussed in May this year by a subsidiary body of the General Assembly.

This will be the first time so far that an intergovernmental global policy-making body will have a dedicated discussion of this issue in an integrated and non-sector-specific manner, with a view to enhancing cooperation and coordination amongst all relevant stakeholders.

Lastly, oceans were identified as one of the key elements for sustainable development within the 2030 Agenda for Sustainable Development, including through its Goal 14. But I will return to this in a moment.

My Office, in particular through the Division for Ocean Affairs and the Law of the Sea, provides substantive and organizational support to the



aforementioned intergovernmental processes. By doing so, we aim to effectively assist States in the development of integrated and holistic policies and frameworks for oceans and seas.

Also central to our work is providing assistance to States towards the implementation of those policies and frameworks. To this end, we are increasingly looking at options to build partnerships with likeminded stakeholders such as your Foundation.

Indeed, looking into the future, if we are to maximize our benefits from the oceans for present and future generations and in order to ensure that no one is left behind, the time to move from words to action is now!

In particular, the new momentum which has been generated towards the implementation of Goal 14 of the 2030 Agenda, in particular in the lead up to the Ocean Conference at the United Nations in June, can be built upon to catalyse action.

A broad range of stakeholders, including non-governmental organizations, representative of the private sector and other key interests groups have been mobilized to rally around efforts to achieve the targets under Goal 14, providing an opportunity to forge new and key partnerships.

It is incumbent upon all of us to seize this momentum and transform it into tangible and lasting results through concrete and concerted action to – as you also clearly identified in the Foundation mission statement – “contribute to a healthy and productive ocean for the benefit of our Planet”.

To support such a paradigm shift, we fully agree with your Foundation’s recognition that awareness-raising and the building of capacities must be a pillar of action.



Capacity must be built to ensure broad and multi-disciplinary participation in the development of sustainable solutions to multi-faceted problems. We have one ocean and therefore the participation of the largest possible number of States and other stakeholders as well as multi-disciplinary and cross-sectoral representation in intergovernmental processes is essential to ensure that all relevant perspectives, including scientific advice, are reflected in the outcome of those processes.

In the context of the work of the General Assembly, this level of participation would support the full realization of the integrated and holistic approach at the basis of its work.

To this end, we need to increase our efforts in awareness-raising of ocean governance, in particular of the comprehensive legal and policy framework. We also need to strengthen our support to the mechanisms that facilitate the participation of developing countries, in particular the least developed countries and small island developing States, in intergovernmental processes.

Similarly, building the capacity of States to implement agreed-upon commitments and solutions at the national level is quintessential. This can be achieved by supporting the establishment of multi-sectoral and integrated ocean governance frameworks.

This would enable States to increasingly take advantage of the many benefits and opportunities that the oceans can offer, while addressing the many pressures that adversely impact them.

In addition, initiatives must recognize and address the need to enhance human capital and institutional capacity. The continuously evolving and integrated nature of ocean governance has generated a complex matrix of



political, diplomatic, legal, and institutional components, all interacting across geographical scales, a wide range of sectors and multiple stakeholders.

The confines of this matrix are continuously mutating with new developments, including scientific discoveries. Thus, the people engaged in any component of this matrix will inevitably need to not only acquire an integrated and cross-sectoral familiarity of all components, but do so in a continuous manner so that they are able to function effectively in this ever changing environment.

With a view to contributing to filling some of these capacity gaps, my Office implements a number of capacity-building activities which are particularly targeted to provide cross-sectoral and multi-disciplinary perspectives. Fellowships are implemented with a view to fostering a new generation of ocean leaders and managers from developing countries.

This is achieved through the strategic building of their awareness, knowledge and capacity across a wide range of issues, including the importance of ocean science for governance.

Other activities include the delivery of demand-driven multidisciplinary training programmes in ocean affairs and the law of the sea, including recently on marine scientific research under the United Nations Convention on the Law of the Sea and on the application of the provisions of the Convention on the delineation of the continental shelf beyond 200 nautical miles.

While we strive to meet the needs of States through the actions I have briefly outlined, it is clear from the increasing volume and diversity of requests for assistance that we would greatly benefit from building more



relationships and working with partners, such as the Oceano Azul Foundation, if we are to continue to effectively assist States – in effect humankind.

Distinguished Members of the Boards of Trustees and Directors

Ladies and Gentlemen,

In closing, I take this opportunity to thank Mr. José Soares dos Santos for your kind invitation, I am honoured to be amongst you all and participate in these important proceedings. I also congratulate the Foundation on its vision, which is clearly aligned with my Office's understanding of the contemporary ocean problématique we all face.

[A final thank you in Portuguese]