



## *The United Nations Division for Ocean Affairs and the Law of the Sea - its functions and role in relation to the implementation of UNCLOS*

Division for Ocean Affairs and the Law of the Sea (DOALOS)  
Office of Legal Affairs, United Nations  
11 July 2012



## Outline of the presentation

- Background to UNCLOS
- DOALOS Functions and Activities
- UNCLOS at 30 (1982 to 2012)



## UNCLOS Overview

- “Constitution for the oceans”
- concluded 1982
- 30th anniversary 2012
- Membership open to Regional Economic Integration Organizations by virtue of Article 305, e.g. EU, and to non-UN Member States, e.g. Cook Islands and Niue
- 162 States Parties, including the European Union
- Two Implementing Agreements- Part XI and Fish Stocks
- Upon its entry into force, on 16 November 1994, UNCLOS established the following:
  - International Seabed Authority (ISA)
  - International Tribunal for the Law of the Sea (ITLOS); and
  - the Commission on the Limits of the Continental Shelf (CLCS).





## DOALOS IN RELATION TO THE UNITED NATIONS SECRETARIAT AND THE OFFICE OF LEGAL AFFAIRS (OLA)

UNITED Nations Secretariat

- One of 6 principle UN organs (article 7 of the UN Charter)
- Progressive development and codification of international law
- Third UN Conference on the Law of the Sea, 1973-1982



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graph TD
    OLA[OFFICE OF LEGAL AFFAIRS] --- OLC[OFFICE OF THE LEGAL COUNSEL]
    OLA --- GLD[GENERAL LEGAL DIVISION]
    OLA --- CD[CODIFICATION DIVISION]
    OLA --- DOALOS[DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA]
    OLA --- ITLD[INTERNATIONAL TRADE LAW DIVISION]
    OLA --- TS[TREATY SECTION]
    
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DOALOS: focal point in UN System for ocean affairs and law of the sea; discharges certain functions of Secretary-General as stated in UNCLOS and General Assembly resolutions; secretariat functions for UNCLOS



## DOALOS' Structure and Facilities

- Division composed of professional and support staff, including lawyers, and Geographic Information System (GIS) Officers
  - from 16 different countries; representing all continents
  - multidisciplinary, multi-cultural and multi-racial team
- Facilities include 3 state-of-the-art GIS labs and large conference room with audio-visualization equipment; office space; plotters and printers.



## DOALOS' Mandate

- **UNCLOS: entrusts numerous responsibilities to the Secretary-General (SG)**
  - GA res. 37/66 (3 Dec 1982) approved SG's assumption of such responsibilities
  - GA res. 52/26 (26 Nov 1997) requested SG to continue carrying out responsibilities entrusted to him in the Convention and related GA resolutions
  - Mandate confirmed in subsequent GA resolutions
- Mandate of the Division stems from GA resolution 37/66 (3 Dec 1982, preamble) and subsequent resolutions



## DOALOS FUNCTIONS AND ACTIVITIES

- Core functions and activities promulgated in Secretary-General's Bulletin ST/SGB/1997/8:
  - Promote universal participation in UNCLOS
  - Facilitate uniform and consistent application of UNCLOS
  - Assist in implementation of UNCLOS through:
    - advice and assistance
    - servicing of meetings
    - cooperation and coordination
    - discharging Secretary-General's responsibilities
    - monitoring and information dissemination

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## DOALOS FUNCTIONS AND ACTIVITIES: Advice and Assistance

- Preparation of Secretary-General reports
- Providing legal and technical advice, studies, assistance and research on:
  - UNCLOS implementation
  - Issues of a general nature and specific developments relating the legal regime for the oceans

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## DOALOS FUNCTIONS AND ACTIVITIES: Servicing of meetings

Providing substantive servicing to:

- General Assembly, including negotiations on GA resolutions and other GA processes
- Meeting of States Parties to UNCLOS (MSP)
- Commission on the Limits of the Continental Shelf (CLCS)
- Informal Consultations of States Parties to the United Nations Fish Stocks Agreement and the Review Conference

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## DOALOS FUNCTIONS AND ACTIVITIES: Servicing GA



Resolution 49/28 (6 Dec 1994):  
GA decided that it was the global institution with the competence to undertake an annual review of the overall developments relating to the law of the sea

- Plenary: Oceans and the law of the sea not discussed in any of the main GA Committees. Plenary of 67<sup>th</sup> session will discuss it under item 76 in late 2012.
- Other processes under the GA such as the ICP, Ad-hoc Working Group on Biodiversity, and the Regular Process

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## DOALOS FUNCTIONS AND ACTIVITIES: Servicing GA: Informal Consultative Process

- Established in 2000
- 13 Meetings to date
- Facilitates
  - more in-depth consideration of specific oceans related issues
  - review by the GA of developments in ocean affairs and the law of the sea
- Informal nature - open to wider participation, not just States
- Coordinated by two Co-Chairs representing developed and developing countries
- Issues Co-Chairs' Summary of discussions
- Next ICP June 2013 - Theme: oceans-related outcomes of Rio+20

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## DOALOS FUNCTIONS AND ACTIVITIES: Servicing GA: AHWG on Biodiversity

- Ad Hoc Open-ended Informal Working Group to study issues related to marine biodiversity in areas beyond national jurisdiction
- Established in 2004
- Informal - wider participation, not just States
- 5 Meetings to date (2006, 2008, 2010, 2011 and 2012)
- Main purpose - to study issues related to conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction
- 5 reports of the Secretary-General to date
- Co-Chairs, Amb. Kohona (Sri Lanka); Ms. Lijnzaad (Netherlands)
- Outcome and recommendations include possible development of a multilateral agreement under UNCLOS



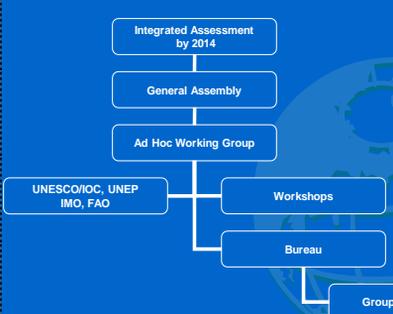
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**DOALOS FUNCTIONS AND ACTIVITIES:  
Servicing GA: Regular Process**

- Regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects (Regular Process)
- Assessment important for ecosystem-based policies and measures for oceans and coasts
- To be done in phases - 2011-2012; 2013-2014
- Start-up phase launched in 2005
- Framework endorsed in 2009
- Aim: complete first assessment of the marine environment by 2014
- Ad-hoc Working Group of the Whole (2009)
- Group of Experts (2010, pursuant to GA resolution 65/37 A)
- Bureau
- Workshops to develop the process
  - first workshop held in Chile September 2011
  - second workshop held in China February 2012
  - third workshop in held in Brussels June 2012

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**Integrated Assessment by 2014**



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graph TD
    A[Integrated Assessment by 2014] --> B[General Assembly]
    B --> C[Ad Hoc Working Group]
    C --> D[UNESCO/IOC, UNEP, IMO, FAO]
    C --> E[Workshops]
    E --> F[Bureau]
    F --> G[Group of Experts]
  
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**DOALOS FUNCTIONS AND ACTIVITIES:  
Servicing Meeting of States Parties to UNCLOS**

UNCLOS article 319(2)(e):  
The S-G "shall convene necessary meetings of States Parties in accordance with this Convention"

**MATTERS FOR CONSIDERATION:**

- **ITLOS:** Election of 21 members for 9 year term. (last elections in June 2011 - 7 members elected); reports; draft budget; scale of assessments for contributions of States parties to the budget; report of the External Auditors;
- **CLCS:** Election of 21 members; 4th election held in June 2012; Under Annex II, Article 5, the nominating State shall defray the expenses of its nominee while in performance of Commission duties; Information on CLCS activities and Workload of the CLCS considered
- **ISA:** presents information on its activities;
- Secretary-General's report prepared pursuant to Article 319 of UNCLOS
- 22 MSP to date; next Meeting - June 2013

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**DOALOS FUNCTIONS AND ACTIVITIES:  
Servicing CLCS (Purpose and Workload)**

- Purpose - to facilitate implementation of UNCLOS in respect of the establishment of the outer limits of the continental shelf beyond 200 nautical miles
- Coastal States:
  - Make submissions to CLCS on outer limits of the continental shelf beyond 200 nautical miles
  - Establish outer limits on the basis of recommendations of the CLCS
- Limits established pursuant to recommendations are final and binding
- 3 options available to submitting State, i.e. accept recommendations, revise submission or make new submission
- Current Workload: 61 submissions, 1 revised submission, 45 preliminary information notes pursuant to SPLOS/183, 18 recommendations,
- 2 recommendations implemented (Ireland and Mexico), and outer limits based on recommendations deposited with Secretary-General

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**DOALOS FUNCTIONS AND ACTIVITIES:  
Servicing CLCS: DOALOS**

- Receiving submissions and giving publicity to their executive summaries;
- Organizing and servicing meetings of the Commission and its Subcommissions:
  - CLCS: Secretary / Deputy Secretary / Staff / Assistants
  - Subcommission: Secretary / GIS Officer / Assistants
- Facilitating the consideration of submissions by the Commission and its Subcommissions
- Management of Trust Funds:
  1. For Commission Members: 6 States assisted in 2011
  2. For preparation of submissions: 17 States assisted to date

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**DOALOS FUNCTIONS AND ACTIVITIES:  
Servicing CLCS (Legal Challenges)**

- CLCS members: geologists, geophysicists and hydrographers
- Sometimes CLCS faced with submissions with legal connotations
- CLCS has brought this to attention of MSP (CLCS/62, para. 59)
- Legal Counsel has provided 3 legal opinions to CLCS to date

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### Submissions where States have informed the Commission of a dispute

Submission	Broad Nature of Dispute
Russian Federation	Territory dispute
France (French Guiana and New Caledonia)	Territory dispute
Myanmar	Paragraph 5(a) of annex I of rules of procedure invoked
Yemen (South East of Socotra Island)	Delimitation issues
United Kingdom (Hatton Rockall Area)	Rule 46 and paragraph 5(a) of annex I of rules of procedure invoked
Ireland (Hatton-Rockall Area)	Rule 46 and paragraph 5(a) of annex I of rules of procedure invoked
Fiji	Paragraph 5(a) of annex I of rules of procedure invoked
Argentina	Territory dispute in part of submission
Malaysia-Viet Nam (South China Sea)	Paragraph 5(a) of annex I of rules of procedure invoked
Viet Nam (North Area)	Paragraph 5(a) of annex I of rules of procedure invoked
Palau	Paragraph 5(a) of annex I of rules of procedure invoked
United Kingdom (Falkland Islands (Malvinas), South Georgia and South Sandwich Islands)	Territory dispute
India	Paragraph 5(a) of annex I of rules of procedure invoked
Maldives	Delimitation issues
Denmark (Faroes Rockall Plateau)	Rule 46 and paragraph 5(a) of annex I of rules of procedure invoked
Bangladesh	Submitting State agreed there was dispute in context of rule 46 and paragraph 5(a) of annex I of rules of procedure

- ### DOALOS FUNCTIONS AND ACTIVITIES: Servicing CLCS (Workload and Solutions)
- CLCS Workload increasing
  - Solutions include longer sessions (21-26 weeks per year)
  - Concerns include
    - income substitution
    - travel and accommodation
    - health insurance coverage while in New York
  - Decision concerning workload: SPLOS/229
  - Review by the GA: ongoing

- ### DOALOS FUNCTIONS AND ACTIVITIES: Servicing CLCS (Secretariat needs)
- Increased CLCS workload will have programme budget implications for DOALOS
  - Strengthening of the Secretariat required for enhanced servicing
  - Additional staffing needs addressed by GA resolution 66/231 include:
    - Legal Officer
    - GIS Officer
    - Assistant (support Staff)



- ### DOALOS FUNCTIONS AND ACTIVITIES: Cooperation and Coordination
- **DOALOS: Focal point in the United Nations system for ocean affairs and the law of the sea**
  - Provides support to organizations of the United Nations system to facilitate consistency with the Convention
  - Cooperating partners include IMO, FAO
  - UN-Oceans

- ### DOALOS FUNCTIONS AND ACTIVITIES: LIAISON FUNCTIONS WITH ITLOS and ISA
- ITLOS:**
- Based in Hamburg, opened in 1996;
  - Forum for the settlement of disputes under UNCLOS;
  - United Nations / ITLOS based on the Agreement on Cooperation and Relationship - concluded on 18 Dec 1997.
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- ISA:**
- UN / ISA relationship agreement - concluded on 14 Jul 1997;
  - Provides for cooperation and coordination on matters of mutual interest.
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### DOALOS FUNCTIONS AND ACTIVITIES: Trust Funds (including balances as at October 2011)

TRUST FUNDS	BALANCE IN USD (approx.)
Trust fund to assist members of the CLCS from developing States	720,629.69
Trust fund to facilitate the preparation of submissions to the CLCS for developing States	1,236,893.95
Voluntary trust fund to assist developing countries in attending ICP meetings: approximately	68,665.06
Voluntary Trust Fund for the Regular process	32,314.55
Trust fund to assist States in their settlement of disputes through ITLOS	175,605.32
Assistance fund under Part VII of the UN Fish Stocks Agreement	400,000 (approx)
Hamilton Shirley Amerasinghe	62,693.28

### DOALOS FUNCTIONS AND ACTIVITIES: Technical Assistance / Capacity-Building

Providing trainings, fellowships and technical assistance in the field of the law of the sea and ocean affairs:

United Nations-Nippon Foundation fellowship	Total of 80 fellows to date Next batch of fellows expected in the fall 3 Alumni meetings (2009-2011)
Hamilton Shirley Amerasinghe Memorial Fellowship	Total of 28 awards to date Last Fellow was from Indonesia
Training Programme on delineation of the outer limits of the continental shelf	Approx. 400 individuals from 53 States trained
DOALOS/UNITAR Briefings	For diplomats in New York
Internships:	More than 50 interns between 2006 and 2011 Currently - 3 interns

- ### DOALOS FUNCTIONS AND ACTIVITIES: Monitoring / Dissemination
- Conducting monitoring activities and maintaining a comprehensive information system on the law of the sea and ocean affairs:
- Library (approximately 4000 books and journals and 5000 other reference material)
  - Training Manuals
  - Ad hoc publications
  - Periodic publications, including Law of the Sea Bulletins
  - Website: [www.un.org/Depts/los](http://www.un.org/Depts/los)

### DOALOS PUBLICATIONS and WEBSITE



The collage includes covers of 'Handbook on the Implementation of Marine Instruments', 'Law of the Sea', 'Derecho del Mar', and a screenshot of the DOALOS website interface.

- ### UNCLOS 30th ANNIVERSARY
- 10 December 1982 - 10 December 2012
  - GA Omnibus resolution: commemoration
  - MSP 22 held one-day High-Level Meeting
  - Panel Discussion (8 June 2012, World Ocean's day)
  - GA Plenary at the 67th Session: Treaty Event
  - Commemorative activities planned by DOALOS include:
    - Panel Discussion
    - Issuance of a postal stamp
  - 12 May to 12 August 2012 Yeosu World Expo: 30 minute UNCLOS related video

### THANK YOU!



30th Anniversary  
UNITED NATIONS CONVENTION ON THE LAW OF THE SEA  
30ème Anniversaire  
CONVENTION DES NATIONS UNIES SUR LE DROIT DE LA MER  
1982 - 2012