

COUNCIL
29th extraordinary session
Agenda item 11

C/ES.29/11(a)
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EXTERNAL RELATIONS

(a) Relations with the United Nations and the specialized agencies

Note by the Secretary-General

SUMMARY

Executive summary: This document reports on the seventeenth and eighteenth meetings of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP), on the outcome of the Preparatory Committee established by General Assembly resolution 69/292 to develop an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction and on the twenty-seventh Meeting of States Parties to the United Nations Convention on the Law of the Sea.

Strategic direction: 1.1, 1.3

High-level action: 1.1.2, 1.3.1

Output: No related provisions

Action to be taken: Paragraph 18

Related documents: United Nations documents A/72/100, A/72/95 and A/71/204; General Assembly resolutions 54/33, 69/292, 70/235 and 71/257; C 114/17(a)/1, C 113/12(a) and C/ES.28/10(a)

United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP)

1 In 1999, the General Assembly decided to establish the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP) in order to facilitate the annual review, by the General Assembly, of developments in ocean affairs and the law of the sea by considering the report of the Secretary-General on oceans and the law of the sea and by suggesting particular issues to be considered by it, with an emphasis on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced (UNGA resolution 54/33).

2 The Secretariat provides input to the ICP, in particular to the annual report of the United Nations Secretary-General on Oceans and the Law of the Sea. Depending on the focus of the ICP for a specific year, the Secretariat may also provide additional input, or, if required, attend in person. More information about the ICP can be found at: http://www.un.org/depts/los/consultative_process/consultative_process.htm.

3 The seventeenth meeting of the ICP was held from 13 to 17 June 2016, pursuant to General Assembly resolution 70/235, with the theme of "Marine debris, plastics and microplastics". The Secretariat attended the event, and also participated in the main discussion panel and contributed to several side events providing input on IMO's work in relation to, in particular, MARPOL Annex V, the London Convention and Protocol, and the work of GESAMP. The report of ICP 17 has been issued as United Nations document A/71/204.

4 The eighteenth meeting of the ICP was held from 15 to 19 May 2017, pursuant to General Assembly resolution 71/257, with the theme of "The effects of climate change on oceans". The Secretariat provided a written contribution outlining IMO's work in relation to, in particular, MARPOL Annex VI and the London Convention and Protocol. The report of ICP 18 has been issued as United Nations document A/72/95.

Conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction

5 In resolution 68/70, paragraph 200, the General Assembly requested the Secretary-General to convene three meetings of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, which took place in 2014 and 2015.

6 In 2015, following the preparatory work by the Informal Working Group, the General Assembly decided to develop an international legally binding instrument under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (UNGA resolution 69/292).

7 To that end, the General Assembly decided to establish a Preparatory Committee, prior to holding an intergovernmental conference, to make substantive recommendations on the elements of a draft text of an international legally binding instrument under UNCLOS, taking into account the work of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. The Preparatory Committee met for four sessions; two each in 2016 and 2017.

8 The Secretariat participated in the discussions of the Ad Hoc Open-ended Informal Working Group, and contributed actively, as appropriate, to the work of the Preparatory Committee by way of written submissions, attendance in person, and side events.

9 At the fourth and last session, the Preparatory Committee adopted its report by consensus, and recommended to the General Assembly:

- .1 that the elements developed by the Preparatory Committee be considered, with a view to the development of a draft text of an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction; and
- .2 to take a decision, as soon as possible, on the convening of an intergovernmental conference, under the auspices of the United Nations, to consider the recommendations of the Preparatory Committee on the elements and to elaborate the text of an international legally binding instrument under the Convention.

10 The draft, unedited version of the report of the Preparatory Committee is available at: http://www.un.org/depts/los/biodiversity/prepcom_files/Procedural_report_of_BBNJ_PrepCom.pdf.

11 The recommendations of the Preparatory Committee will be considered by the seventy-second session of the General Assembly in late 2017, under agenda item 77(a) on "Oceans and the law of the sea".

Twenty-seventh Meeting of States Parties to the United Nations Convention on the Law of the Sea

12 The twenty-seventh Meeting of States Parties to the United Nations Convention on the Law of the Sea was held at the United Nations Headquarters from 12 to 15 June 2017, in accordance with article 319, paragraph 2(e), of the United Nations Convention on the Law of the Sea.

13 IMO participated in this Meeting, attended by representatives of States parties to the Convention and observers, including the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea.

14 The Meeting highlighted the continued relevance of UNCLOS and its goals, and recalled with appreciation that the United Nations Conference to Support the Implementation of Sustainable Development Goal 14 held from 5 to 9 June 2017. UNCLOS States Parties affirmed the need to enhance the conservation and sustainable use of the oceans and their resources by implementing international law as reflected in the Convention, which provides the legal framework for the conservation and sustainable use of the oceans and their resources, as recalled in paragraph 158 of the annex to General Assembly resolution 66/288 entitled "The future we want".

15 The IMO Secretariat drew attention of the States Parties to UNCLOS to the value of shipping in facilitating global trade and commerce. It noted that international shipping rules and standards adopted by IMO in respect of maritime safety, efficiency of navigation and the prevention and control of marine pollution had led to a significant reduction in maritime accidents and pollution incidents.

16 States Parties to UNCLOS were informed of IMO's contribution to the United Nations Secretary-General's Report on Oceans and the Law of the Sea. The contribution focuses on recent developments on oceans issues and the law of the sea within the areas of competence of IMO.

17 States Parties to UNCLOS discussed and supported the development of the above-mentioned international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. They also discussed other environmental concerns, illegal fishing, unsafe, mixed migration by sea and safety and security at sea.

Action requested of the Council

18 The Council is invited to consider the information provided in this document and to comment, as it may deem appropriate.