

Forum: General Assembly 5 (Administrative)

Issue: Improving the United Nations Convention on the Law of the Sea to improve conservation and sustainable use of marine biological diversity

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Introduction

Covering approximately 71% of Earth's surface, oceans nourish life, provide habitats, and are home to a wide array of species. Sheltering species beyond that of fish, ranging from microscope plants to large marine mammals, the ocean is home to a colossal magnitude of marine biological diversity. As such, there is no question when it comes to the importance of the issue of improving the United Nations Convention on the Law of the Sea to improve conservation and sustainable use of marine biological diversity. At the heart of the issue lies matters such as marine areas beyond national jurisdiction (ABNJ), which encompass around two-thirds (64%) of the global ocean, accommodating marine resources and biodiversity including ecosystems, habitats and marine species of monumental cultural, socioeconomic and ecological significance.

In light of this, the Law of the Sea is a body of international law that regarding the standards and principles by which public entities, particularly states, associate in maritime matters, including ocean mineral rights, navigational rights, and seaside water jurisdictions. As the public law counterpart to admiralty law, which concerns private sea intercourse. The United Nations Convention on the Law of the Sea, or "UNCLOS", signed in 1982 and put into force in 1994, is by and large acknowledged as a codification of the standard international law of the ocean. Here, it is a body of treaties, policies, and worldwide agreements by which governments sustain order and peaceful relations on the ocean.

Despite that, decades of destructive fishing practices such as overfishing, mineral extraction, offshore energy exploitation and common forms of pollution such as chemicals from land, marine debris and anthropogenic noise now pose a threat to this biodiversity. Alongside the rising pressures such as deoxygenation, global warming and ocean acidification, several environmental threats only continue to menace marine biological diversity everywhere. As the first UN Global Ocean Assessment cautioned: "The great threat to the ocean comes from a failure to deal quickly with the manifold problems." Only

through taking ecological connectivity and holistic governance into account will the world be able to continue to conserve the intricate biological links that make up the ocean to ensure that it continues to prosper for many generations to come.

Definition of Key Terms

Sustainability

Sustainability refers to something's status as maintainable at a certain rate, where this refers to how the Law of the Sea can be improved to improve the sustainable use of marine biological diversity.

Jurisdiction

The term jurisdiction refers to the extent to which a body, organization, or nation has the power to make decisions or right over something, revolving around the power and governance nations have over surrounding water and its ownership.

Maritime

The term maritime refers to things found or connected to the sea and ocean, including the likes navigation, law, trade, transport and navies.

Biological Diversity

Biological diversity refers to the range of living organisms, where the concept of being diverse insinuates a great range and specifically refers to marine organisms such as plankton, protozoans, invertebrates and vertebrates.

Continental Shelf

The continental shelf are areas that are submerged in relatively shallow water in comparison to the open ocean, specifically referring to the rights nations have over the continental shelves surrounding them.

Exclusive Economic Zone

The term exclusive economic zone refers to zones which nations have an exclusive right to with regards to the exploitation of resources, where said zones encompass land up to 200 nautical miles away from the shore.

Contiguous Zone

Contiguous zone are areas where states and nations have limited jurisdiction with regards to punishing or preventing the "infringement of its customs or laws within its territory and territorial sea," and encompasses land past the territorial waters and extends up to 12 nautical miles.

Coastal State

Coastal states are states and nations that are near the coast. In the context of this research report, this refers to what governance coastal nations have over surrounding waters.

Landlocked State

The term landlocked state refers to states and nations which are completely surrounded by land. In the context of this research report, making reference to what governance landlocked nations have over surrounding waters.

Background Information

United Nations Convention on the Law of the Sea (UNCLOS)

The United Nations Convention on the Law of the Sea (UNCLOS), also known the Law of the Sea Convention or the Law of the Sea bargain, is the global understanding that came about because of the third United Nations Conference on the Law of the Sea (UNCLOS III), which occurred somewhere in 1973 -1982. The UNCLOS is a key contributor to the conservation and sustainable use of marine biological diversity, where the Law of the Sea was adopted in 1982 and entered into force in 1994. As a global settlement it works towards guaranteeing the preservation and sustainable use of marine biological diversity alongside ensuring the security and protection of the living resources of the ocean. As part of its convention and international law, it creates definitions for the terms of contiguous zones, territorial waters, exclusive economic zones and continental shelves, using said definition as standards for the jurisdiction that nations have over surrounding waters. That said, the Convention supplanted four 1958 treaties, being the Convention on the Territorial Sea and Contiguous Zone, the Convention on the Continental Shelf, the Convention on the High Seas and the Convention on Fishing and Conservation of Living Resources of the High Seas.

Mare Liberum (The Freedom of the Seas)

The convention that the high seas in time of peace are available to all countries and may not be subjected to national sovereignty– "freedom of the seas"– was first proposed by the Dutch jurist Hugo Grotius as early as 1609. Despite that, it didn't turn into an acknowledged rule of international law until the 19th century. The Freedom of the high seas is presently perceived to incorporate freedom of route,

fishing, the laying of submarine links and pipelines, and the overflight of airplanes. Today, the "freedom of the seas" can be found in the United Nations Convention on the Law of the Sea under Article 87(1) which expresses: "the high seas are open to all states, whether coastal or landlocked," connecting back to the concepts of jurisdiction and tying that nation back into the likes of regulation pertaining to the Law of the Sea.

Marine Areas Beyond National Jurisdiction (ABNJ)

Marine Areas Beyond National Jurisdiction (ABNJ), also known as the high seas, are territories of the sea for which no country has sole obligation regarding administration. On the whole, these make up 40% of the surface of our planet, containing 64% of the surface of the seas and almost 95% of its volume. Frequently considered the world's last standing "global commons," the intricate environments in the ABNJ incorporate the water column and seabed of the high seas; they are incredibly pivotal to the conservation and sustainable use of biological diversity. They are generally a long way from coasts, making the feasible administration of the fisheries' assets and biodiversity protection in those regions especially difficult. ABNJ ecosystems are liable to a wide array of negative effects from human activities such as fisheries, deep-sea mining, artificial lands, and marine contamination as a result of dumping and shipping, all of which are intensified by an absence of exhaustive lawful instruments and coherent administration.

Convention on Biological Diversity (CBD)

The Convention on Biological Diversity (CBD), also known as the Biodiversity Convention, is a multilateral treaty with objectives that aim for the conservation of biological diversity, the sustainable utilisation of its segments and the equitable distribution of advantages. Essentially, its goal is to create national systems for the preservation and sustainable utilisation of biological diversity, frequently observed as the key report with regards to sustainable development. The Convention on Biological Diversity reminds countries and states that natural resources are not endless and sets out a rationality of conservation and sustainable use. As such, the convention works towards allowing said goals to be brought into full focus. While past preservation endeavors were gone for securing specific species and environments, the convention perceives that ecosystems, species and genes must be utilised to help people; it remarks that this must be done in a manner that does lead to a long-term decay in biological diversity. As such, the topic of marine biological diversity and its conservation has been a crucial component of the convention, which was signed at the Earth Summit in Rio de Janeiro on June 5, 1992, and went into force on December 29, 1993. Currently, the Convention on Biological Diversity is comprised of 196 parties and 168 signatories.

Area-based Management Tools (ABMTs)

Area-based management tools are essential to ensuring the sustainable utilisation of the oceans. The assurance of some imperative territories is extremely essential to limit the effects of human activity in the ocean, all of which pursue the advancement of conservation and sustainable use in ABNJ. However, that isn't adequate enough for tackling the entire issue. Different instruments must be used to ensure the security of the biodiversity as well as the whole environment process, and, in the meantime, fortify human's monetary and social development. This includes tools such as Marine protected areas (MPAs), which are, as expressed in the Convention on Biological Diversity, geographically defined area which is designated or regulated and managed to achieve specific conservation objectives," and Environmental Assessment Impacts (EIAs), which are utilised for assessing the foreseeable environmental results that may be caused by a human activity.

Major Countries and Organizations

The United States of America

The United States remains of the list of 168 state parties signed to UNCLOS, a list which incorporates all other major oceanic powers like Russia and China. The United States, alongside other industrialised states, disagreed with part XI of the treaty, which pertained to deep seabed assets beyond national jurisdiction. On October 7, 1994, President Bill Clinton transmitted the Convention and the 1994 Agreement to the Senate for counsel and assent. On November 16, 1994, UNCLOS went into force without the support of the United States. To date, the treaty is one of forty-five arrangements anticipating Senate action, which was once alluded to as the "world's most prominent deliberative body." Practically speaking, the United States has acknowledged and consents to almost all of the treaty's arrangements. In spite of the fact that the United States helped shape the Convention and its consequent modifications and consented to the 1994 Arrangement on Implementation, it has not signed the Convention as it protested Part XI.

The People's Republic of China

On June 7, 1996, the People's Republic of China had ratified the UNCLOS, where they had also agreed to the execution of Part XI of the convention from December 10, 1982. Today, the People's Republic of China joins the ranks of the list of 168 state parties. However, despite their status as a nation which has ratified the UNCLOS, the People's Republic of China has threatened to leave the UNCLOS on the grounds of the ruling on the national jurisdiction of the South China Sea territory, specifically the fact that the ruling goes against the People's Republic of China's claims of the entirety of the South China Sea being their territory. This refers back to a nine-dash-line map that the nation had submitted to the United Nations in 2009, which shows the South China Sea being enclosed by said line. In light of this,

the Philippines, Vietnam and Indonesia, nations which have also ratified the UNCLOS, had objected to the People's Republic of China's claims because of the fact that the line overlaps with the exclusive economic zones (EEZs) of other nations. Subsequently, the Philippines had filed a case with the international tribunal of the Permanent Court of Arbitration in 2013 and ultimately had the court rule in favor of them. While the People's Republic of China has come under fire with the tribunal stating that their nine-dash-line map has no basis in law and goes against the UNCLOS, the nation remains adamant in their stance on maintaining territory in approximately the entirety of the South China Sea, embodying the conflict the People's Republic of China has with UNCLOS.

International Tribunal for the Law of the Sea (ITLOS)

The International Tribunal for the Law of the Sea (ITLOS) is an intergovernmental association made by the mandate of the Third United Nations Conference on the Law of the Sea. Establishing by the United Nations Convention on the Law of the Sea and signed at Montego Bay, Jamaica, on December 10, 1982, the Convention went into force on November 16, 1994, and set up a global structure for law over "all ocean space, its uses and resources." The International Tribunal for the Law of the Sea contains arrangements which work towards regulating any semblance of the territorial sea, the high seas, the continental shelf, and the exclusive economic zone, alongside scientific marine research and the advancement and exchange of marine technology. A standout amongst the most critical parts of the council concerns the investigation for and misuse of the resources of the ocean floor, seabed and subsoil in ABNJ while also settling disputes that may emerge regarding the utilisation and understanding of the United Nations Convention on the Law of the Sea. The Tribunal is situated in Hamburg, Germany. The Convention additionally settled the International Seabed Authority (ISA), with duty regarding the regulation of seabed mining past the points of confinement of national jurisdiction, being beyond the limits of territorial sea, the contiguous zone and the continental shelf. Currently, there are 168 signatories, 167 states alongside the European Union.

International Seabed Authority (ISA)

The International Seabed Authority (ISA), also referred to as the Authority, is an intergovernmental body situated in Kingston, Jamaica. The International Seabed Authority was established to compose, direct and control all mineral-related activity in the international seabed territory in areas beyond national jurisdiction, a zone comprising the greater part of the world's seas. While the Authority has attained several legislative accomplishments, one of its most notable achievements would be its ruling and regulations on the exploration for manganese nodules, also known as polymetallic nodules, which are rock concretions which were first interested in the 1960s for the fact that they contain several valuable metals. The Authority likewise arranges yearly workshops on different parts of seabed investigation, with accentuation on measures to shield the marine condition from any harmful

repercussions. Here, it spreads data and concentrates on biodiversity and gene flow with the end goal to foresee what affect any semblance of profound seabed mining may have on the environment. An association established by the United Nations Convention on the Law of the Sea, the International Seabed Authority currently has 167 members and the European Union, made out of all parties to the United Nations Convention on the Law of the Sea.

International Maritime Organization (IMO)

The International Maritime Organization (IMO), known as the Inter-Governmental Maritime Consultative Organization (IMCO) until 1982, is a specialised office of the United Nations in charge of controlling shipping. The International Maritime Organization was set up following agreement at a UN gathering held in Geneva in 1948 and the International Maritime Organization came into existence ten years after the fact, meeting without precedent in 1959. The International Maritime Organization has supported the law of the sea through its drive for implementing universal regulation. This includes the likes of what the organization had done in 1973, where the International Convention for the Prevention of Pollution from Ships was set up in order to address relevant air pollutants and emissions in order to attain shipping which is not only cleaner, but greener, which was preceded by the International Convention for the Prevention of Pollution in 1954. Based in London, United Kingdom, the International Maritime Organization's basic role is to create and keep up an exhaustive administrative system for shipping, where its responsibilities today include wellbeing, ecological concerns, legal matter, participation, maritime security and the proficiency of shipping as part of conserving marine biological diversity and protecting the likes of whales and other cetaceans. Currently, the IMO has 174 Member States and three Associate Members.

Ad Hoc Open-ended Informal Working Group (BBNJ WG)

Given the oversights on the present international system, an Ad Hoc Open-ended Informal Working Group (BBNJ WG) was set up by the General Assembly (GA) in 2004, in light of the requests of a dominant part of the global network. As such, the Ad Hoc Open-ended Informal Working Group (BBNJ WG) is entrusted with contemplating issues identifying with the preservation and sustainable utilisation of marine biological diversity in areas beyond national jurisdiction. This alludes to studying the activities of the United Nations and other important worldwide associations with respect to the preservation and sustainable utilisation of marine biological diversity in areas beyond national jurisdiction and looking at the scientific, legal, environmental, socio-economic and other parts of the issue alongside distinguishing key issues and questions where more detailed background studies would encourage thought by States of these issues and showing conceivable alternatives and methods for advanced international collaboration and coordination for the protection and sustainable utilisation of marine biological diversity in areas beyond national jurisdiction.

Timeline of Events

Date	Description of event
March 17, 1948	The International Maritime Organization is founded.
February 24-April 29 1958	The United Nations held its first Conference on the Law of the Sea (UNCLOS I) at Geneva, Switzerland.
March 17-April 26, 1960	The United Nations held its second Conference on the Law of the Sea (UNCLOS II) at Geneva, Switzerland.
1973-1982	The United Nations held its third Conference on the Law of the Sea (UNCLOS III) at New York.
December 10, 1982	The United Nations Convention on the Law of the Sea is signed.
June 5, 1992	The Convention on Biological Diversity is signed.
December 29, 1993	The Convention on Biological Diversity is put into force.
November 16, 1994	The United Nations Convention on the Law of the Sea is put into force and the International Seabed Authority is founded.
October 1, 1996	The International Tribunal for the Law of the Sea is founded.

Relevant UN Treaties and Events

- Law of the Sea, 6 December 1994 (**A/RES/49/28**)
- Oceans and the law of the sea, 26 November 1997 (**A/RES/52/26**)
- Results of the review by the Commission on Sustainable Development of the sectoral theme of “Oceans and seas”: international coordination and cooperation, 18 January 2000 (**A/RES/54/33**)
- Oceans and the law of the sea, 21 February 2003 (**A/RES/57/141**)
- Oceans and the law of the sea, 5 March 2004 (**A/RES/58/240**)
- Oceans and the law of the sea, 4 February 2005 (**A/RES/59/24**)
- United Nations Convention on the Law of the Sea, 10 December 1982
- Convention on the Territorial Sea and Contiguous Zone, 29 April 1958
- Convention on the Continental Shelf, 29 April 1958
- Convention on the High Seas, 29 April 1958
- Convention on Fishing and Conservation of the Living Resources of the High Seas, 29 April 1958
- Convention on Biological Diversity, 5 June 1992

Previous Attempts to solve the Issue

Worldwide management instruments at international and national levels are fundamental to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. Legal frameworks presented by the United Nations Convention on the Law of the Sea (UNCLOS) and other existing global, provincial and sectoral agreements must be executed in an all-encompassing and rational governance. Whether through the likes of peace talks, international legislation and voyage regulation, a wide array of ideas have been proposed in order to anchor maintainable advancement for all States, particularly developing States, and guarantee a sound marine condition for present and future generations, not only within national jurisdictions, but also in areas beyond national jurisdiction.

Despite that, present regulations do not attain the essential security required for the environment and legal certainty for States and parties to build up their activities in ABNJ. Without the correct devices to oversee human activity in ABNJ, maintainable advancement would be dismantled. In light of this, worldwide coordination instruments are still failing to manage environmental impact assessment for activities in areas beyond national jurisdiction. Concerning the national jurisdictions, Environmental Impact Assessments procedures were adopted in numerous nations, shaping parts of environmental law and arranging systems around the world. In any case, leading compelling Environmental Impact Assessments in areas beyond national jurisdiction is similarly significant to the conservation of the marine biological diversity comprehensively.

The Law of the Sea is a piece of international law and, as such, has communicated with different parts of this legal order. Recent human employment of the ocean and related activities have required an extensive spotlight on the interaction of the Law of the Sea previously seldom related to the maritime sphere. Past progressively pertinent connections with international environmental law, different parts of worldwide law have to be all the more firmly identified with the Law of the Sea, where the utilisation of exchange related measures in fisheries administration has brought about the requirement for cooperation with global exchange law, and the expansion of the capturing of fishing vessels alongside security requests in fighting transnational violations requiring an emphasis on the association with human rights.

Previous solutions and adoptions, such as in 2014, included the adoption of the International Code for Ships Operating in Polar Waters. Here, imperative administrative advancements in the field of transport and exchange facilitation, where a scope of administrative improvements identifying with oceanic and supply network security and environmental issues were made. Despite that, there still

stands to be several intricacies regarding the issue of improving the United Nations Convention on the Law of the Sea to improve conservation and sustainable use of marine biological diversity which must continue to be improved. As developments continue to flourish, ongoing monitoring and enforcement to ensure that activities comply with the terms and conditions of approval still come into question.

Possible Solutions

Evidently, the execution of progressive reform policies to ensure the conservation and sustainable use of marine biological diversity by means of improving the Law of the Sea is an exceptionally difficult assignment that must be tended to through a thorough vital arrangement. The fact that sustainable use is a piece of the proposed treaty recommends a fundamental societal tension between the preparatory guideline and the utilisation of marine assets. While that may be valid, in order to improve the United Nations Convention on the Law of the Sea to improve conservation and sustainable use of marine biological diversity, several possible solutions present themselves, ranging from the promotion of training and education regarding capacity building and marine technology transfer to the improvement of ocean governance.

Alongside that comes creating and strengthening marine protected areas and marine reserves. As of now, under 2% of the world's seas is secured. This implies that extractive activities, such as drilling for oil and mining the seabed, are restricted or denied in these regions, while under 1% of the world's seas are closed to fishing. By make a procedure for distinguishing, assigning, overseeing and observing new protected zones, associations can look to fortify strengthen environmental impact assessments for maritime activities in order to evaluate impacts and the effectiveness of their mitigation measures. These assessments would require evaluation and investigating the foreseen ecological impacts of said activities, ranging from the gathering of sea life to fishing.

Similarly, improving technology transfer and capacity building for developing countries is yet another possible solution, furnishing developing countries with the instruments to direct marine research and develop their ability to ensure marine biodiversity alongside overseeing and conveying the advantages of marine genetic resources. At the point when organisations discover creatures or plants on the high seas that are utilised to make high commercial value products like pharmaceuticals or beauty products, some states advocate that the advantages from commercialisation be disseminated over all countries since they trust the high seas belong to all mankind.

The conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction is essential to the world of the present and future. The United Nations Convention on the Law of the Sea (UNCLOS) can viably address these issues by distinguishing and identifying gaps in order to satisfy them with clear, binding rules for all parties involved. Thus, only through the diligent enforcement of present articles and meticulous evaluation of current activities on national and global scales can more

headway be made with regards to the issue of improving the United Nations Convention on the Law of the Sea to improve conservation and sustainable use of marine biological diversity.

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