

Oceans Economy and Trade Strategies  
(OETS) Project  
National Stakeholder Workshop

**Belize**

# **International legal framework for ocean governance and law of the sea under the 1982 United Nations Convention on the Law of the Sea**

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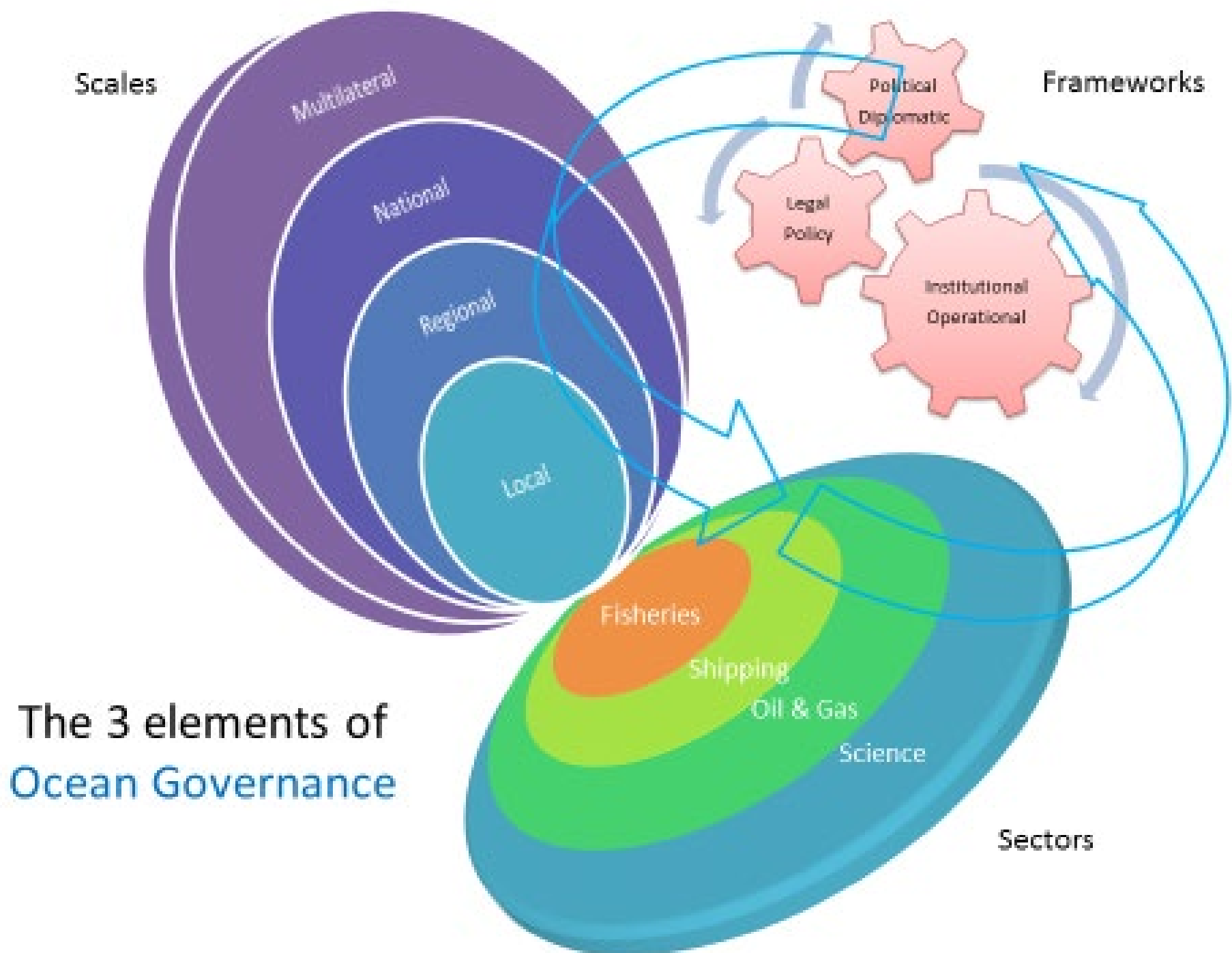
# Outline of Presentation

- Introduction
  - ✓ What is ocean governance?
  - ✓ Legal/policy framework
  - ✓ Institutional framework
  - ✓ Levels of implementation
- International legal framework for oceans under UNCLOS and related instruments
- Focus on potential OETS Sectors

# Elements of ocean governance

There is no agreed definition, but the elements can be broadly grouped into three categories:

- Legal framework
  - Hard (law)
  - Soft (policy)
- Institutional framework
- Levels of Implementation
  - Global, regional, national, local
  - Sectoral/integrated and ecosystem-based



Scales

Multilateral

National

Regional

Local

Frameworks

Political  
Diplomatic

Legal  
Policy

Institutional  
Operational

The 3 elements of  
Ocean Governance

Fisheries

Shipping

Oil & Gas

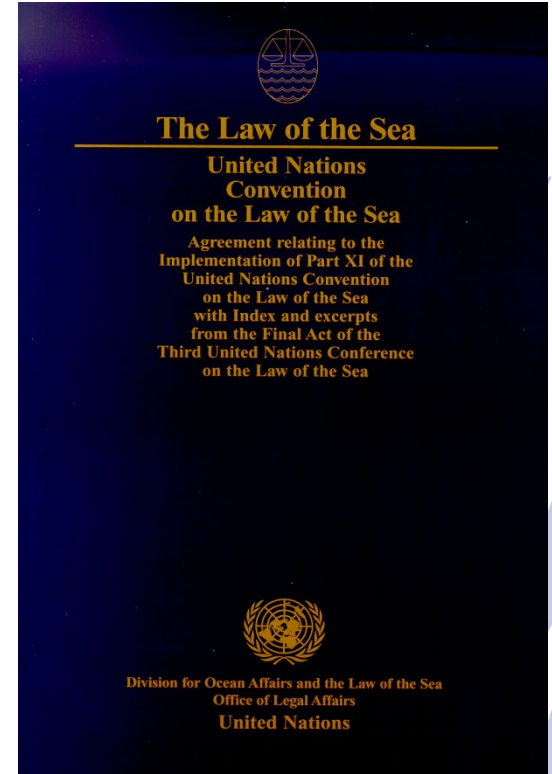
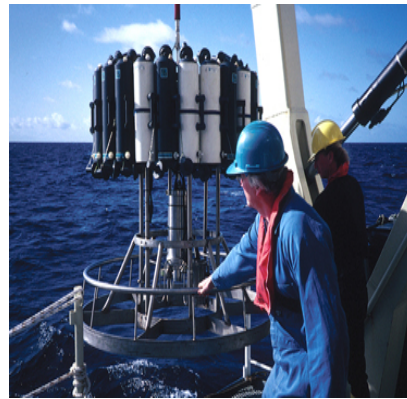
Science

Sectors

# Legal/Policy Framework (Global)

## UNCLOS

- A “constitution for the oceans”
- Legal framework for all activities in the oceans and sea

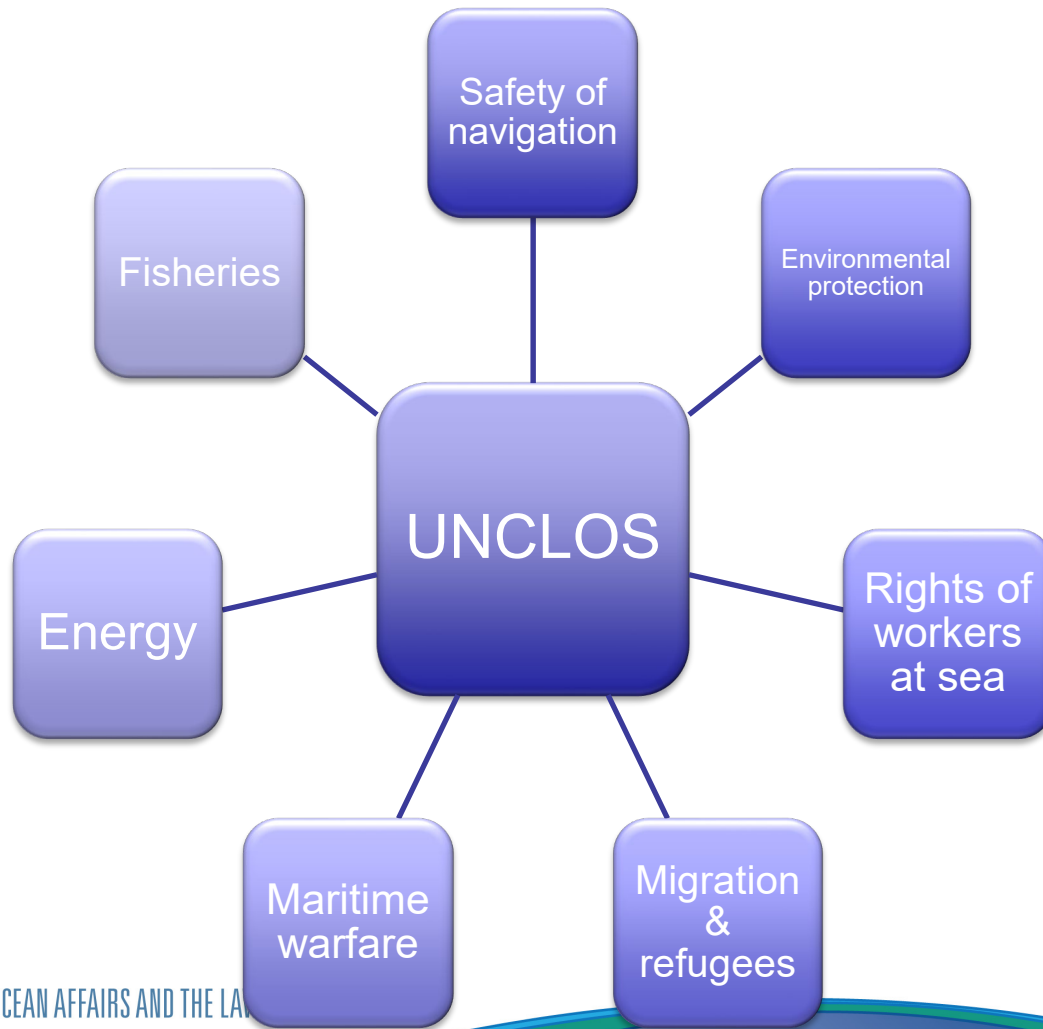


# UNCLOS is a legal framework for the Oceans

It is an umbrella under which all ocean activities are regulated



# Legal/Policy Framework (Global)



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# *Maritime Space / Zones*

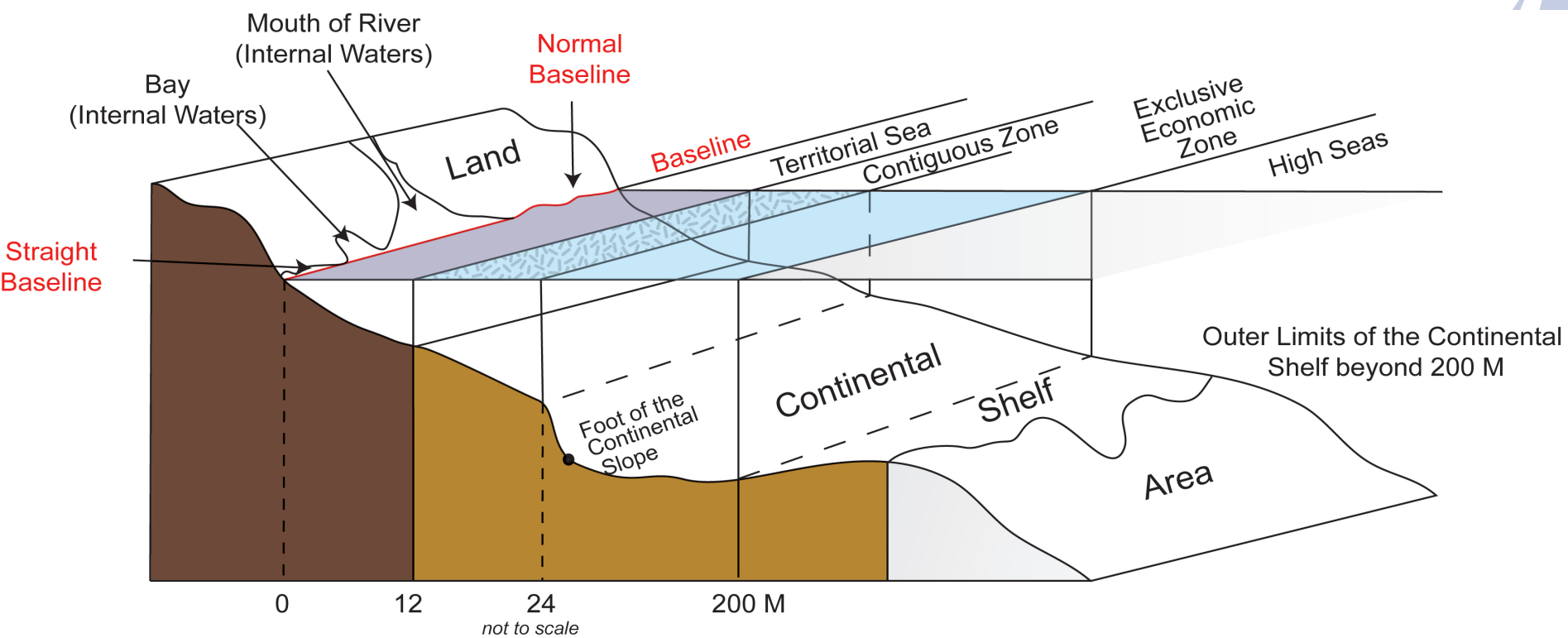
- Internal Waters
- Archipelagic Waters
- Territorial Sea
- Contiguous Zone
- Exclusive Economic Zone
- Continental Shelf
- High Seas
- International Seabed Area



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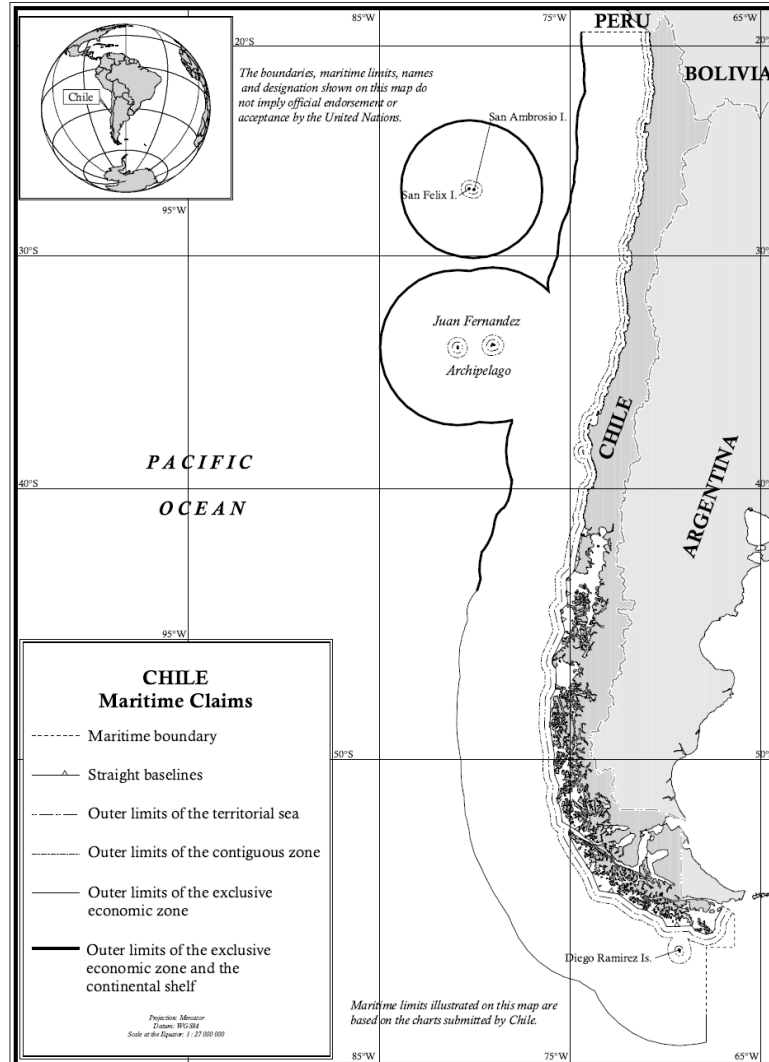


# Maritime zones (detail)



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# Baselines



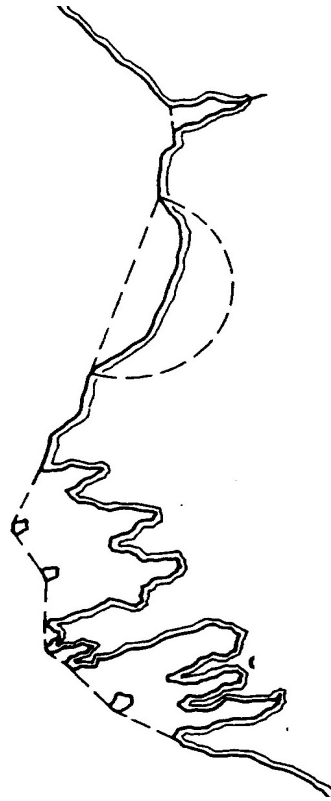
Map index: CHL-MZN37-2000

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# Internal waters

- Inside of baselines, including some bays, ports, rivers
- Sovereignty of the coastal State
- Port State measures



# Territorial Sea

- Sovereignty of the Coastal State
- Up to 12 nautical miles from baselines
- Right of innocent passage
  - “Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State.”
  - The coastal State can adopt certain laws and regulations relating to innocent passage



# Contiguous zone

- Breadth: 24 nautical miles
- Rights and duties:
  - The coastal State may exercise the control necessary to prevent and punish infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea
  - Jurisdiction over archaeological and historical objects found at sea
  - Other States enjoy high seas freedoms where consistent



# Exclusive Economic Zone

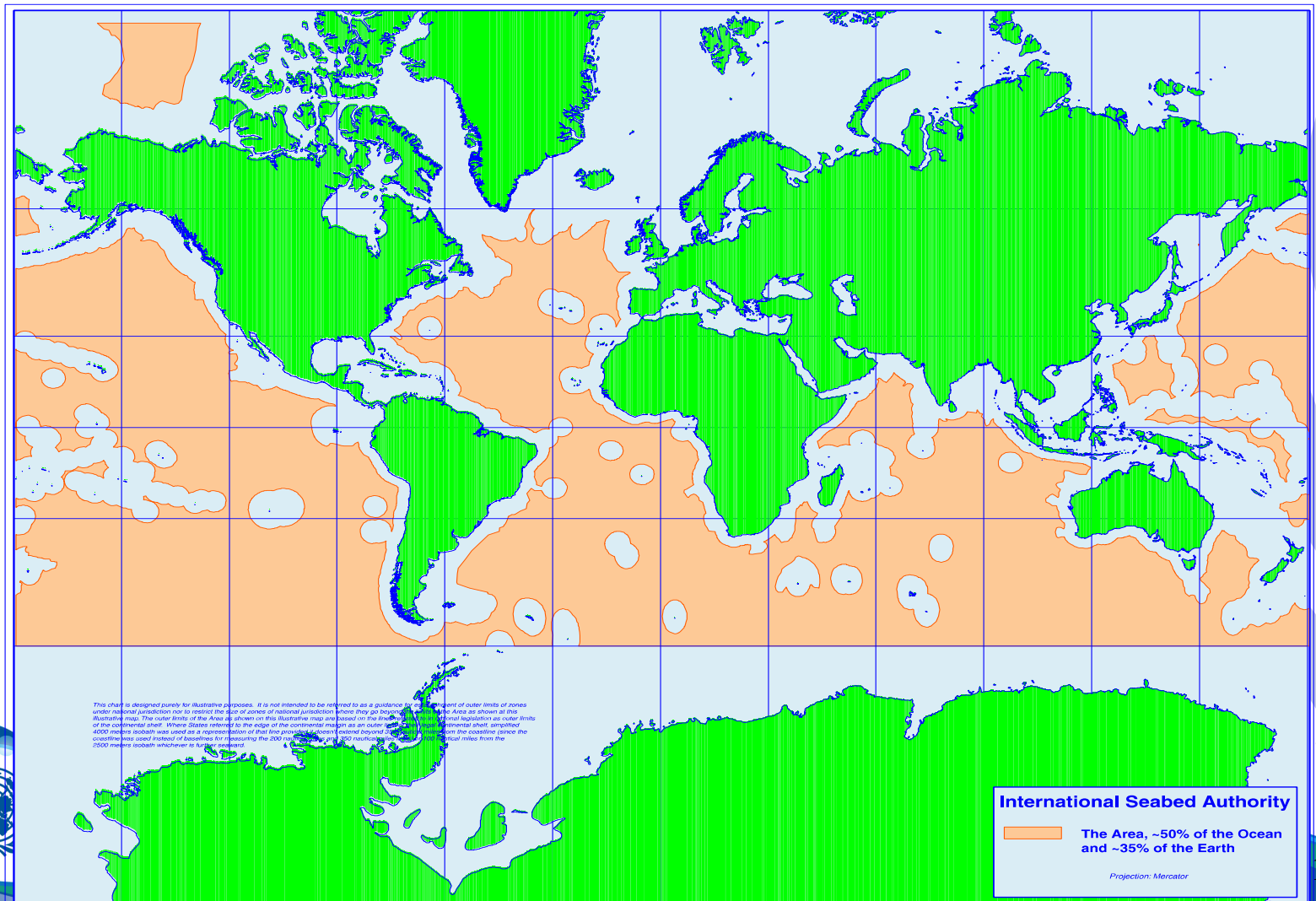
- Breadth: up to 200 nautical miles, measured from the baselines.
- Sovereign rights for the purpose of exploring and exploiting, conserving and managing natural resources (living or non-living) and with regard to other economic activities (e.g.: production of energy from water, currents and winds);
- Jurisdiction with regard to:
  - (i) establishment and use of artificial islands, installations and structures;
  - (ii) marine scientific research; and
  - (iii) protection and preservation of marine environment; and



# The high seas

- All parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State.
- Open to all States, whether coastal or land-locked.
- Freedom(s) of the high seas
- Exclusive flag State jurisdiction

# Illustrative map of areas beyond national jurisdiction



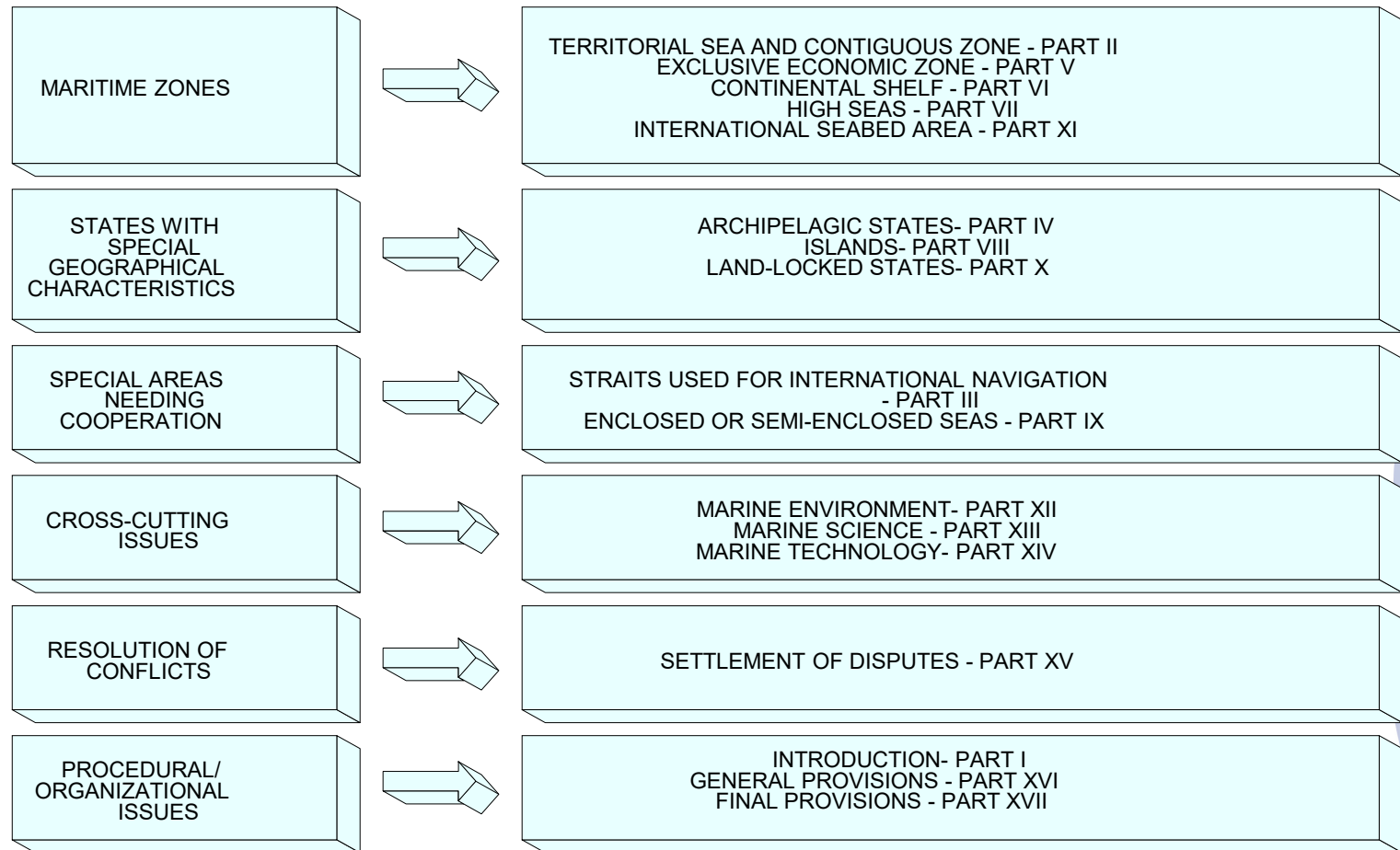


# Status of the Maritime Zones

<b>Coastal State: Sovereignty</b>	<b>Coastal State: Sovereign rights, obligations and/or jurisdiction</b>	<b>Areas beyond national jurisdiction: rights and obligations of States as members of the international community</b>
<b>Internal waters</b>	<b>Contiguous zone</b>	<b>High Seas</b>
<b>Archipelagic waters</b>	<b>Exclusive economic zone</b>	<b>The Area</b>
<b>Territorial sea</b>	<b>Continental shelf</b>	



# UNITED NATIONS CONVENTION ON THE LAW OF THE SEA VARIOUS PARTS



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# Legal and Institutional Framework (Global)

## UN bodies and organizations involved in ocean issues



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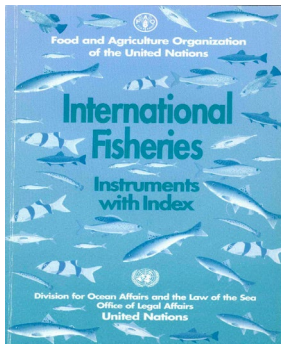
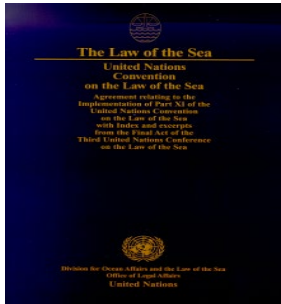
# Focus on specific sectors



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# UNCLOS and the United Nations Fish Stocks Agreement

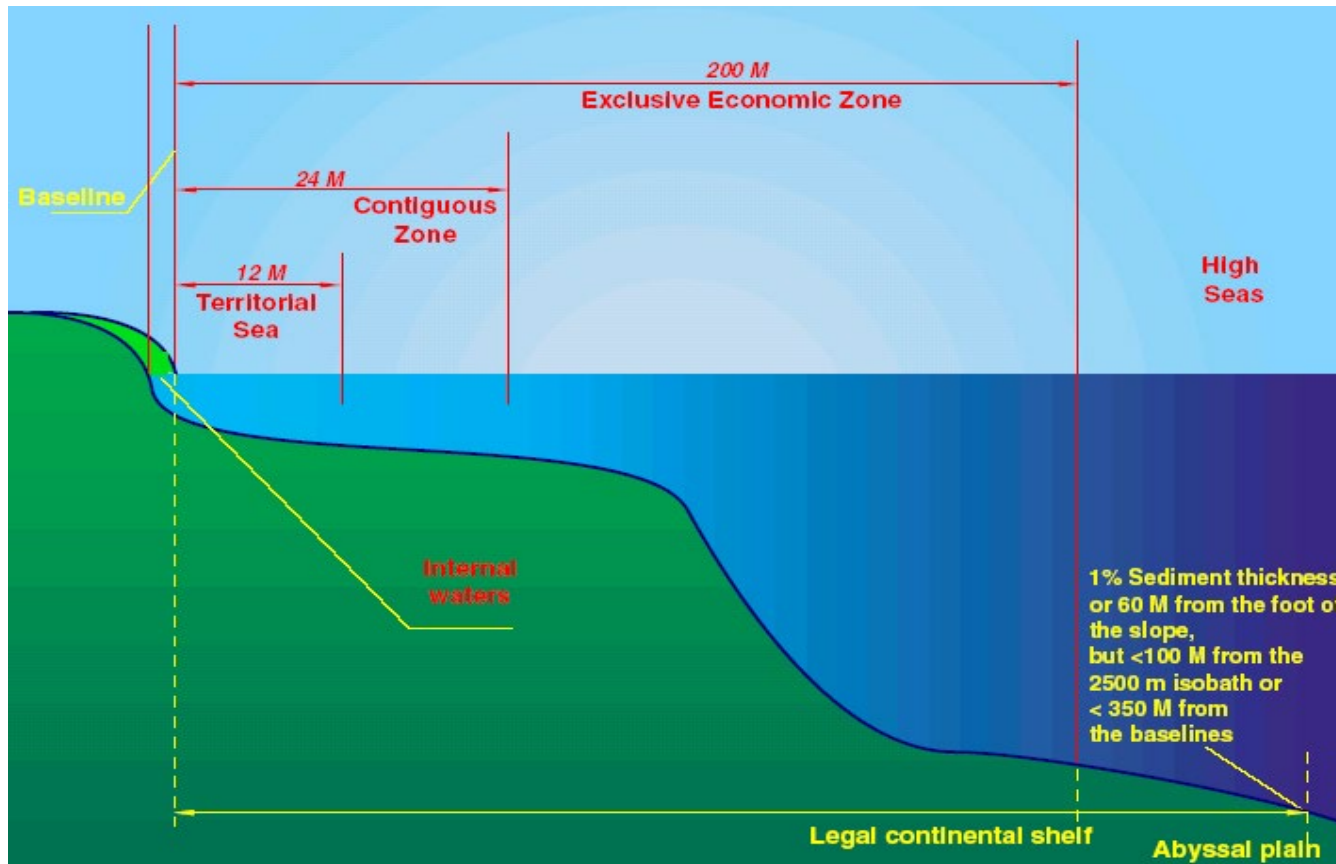


- UNCLOS = overarching legal regime for sustainable fisheries under international law
- United Nations Fish Stocks Agreement = detailed legal regime for straddling fish stocks and highly migratory fish stocks
- Complemented by other international rules



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# Maritime zones under UNCLOS



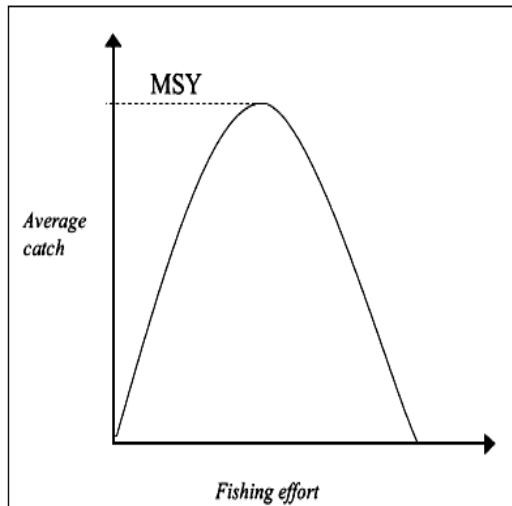
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# Utilization and conservation

Coastal State has duty to conserve and manage marine living resources to promote “**optimum utilization**”



- Coastal State must determine the “**total allowable catch**” to maintain “**maximum sustainable yield**” (MSY)
- Requires scientific knowledge and technical expertise to effectively implement

FAO

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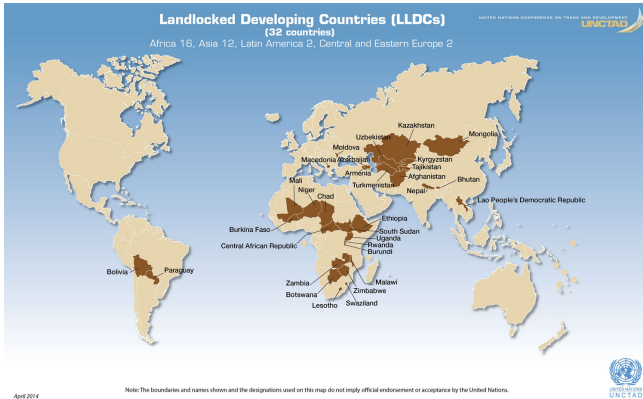
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# Access by other States



- Other States can access the surplus of the total allowable catch
  - Conditions set by coastal State (licences)



- Particular regard given to rights of landlocked States and geographically disadvantaged States, especially developing States





# Laws and regulations

*Coastal State can adopt laws and regulations on:*

- *licensing of fishermen, fishing vessels and equipment*
- *determining the species which may be caught, fixing quotas of catch*
- *regulating seasons and areas of fishing, the types, sizes and amount of gear*
- *fixing the age and size of fish that may be caught*
- *specifying information required of fishing vessels*
- *requiring, under the authorization and control of the coastal State, the conduct of specified fisheries research programmes and regulating the conduct of such research*
- *placing of observers or trainees on board such vessels by the coastal State*
- *landing of all or any part of the catch by such vessels in the ports of the coastal State*
- *terms and conditions relating to joint ventures or other cooperative arrangements*
- *requirements for training of personnel and transfer of fisheries technology*
- *enforcement procedures*



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# Enforcement in the EEZ



Photo from media.cleveland.com

- Foreign ships must comply with coastal State laws and regulations
- The coastal State can enforce against violators
- Penalties may not include imprisonment unless an agreement exists, and no corporal punishment
- Prompt release required

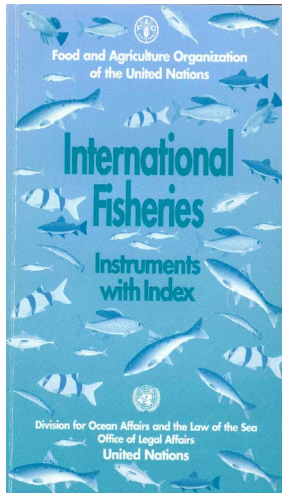


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# Legal regime in UNCLOS – High Seas

- Qualified freedom to fish
- Duty to cooperate in conservation and management of high seas stocks
- Duty to adopt measures for conservation of high seas marine living resources

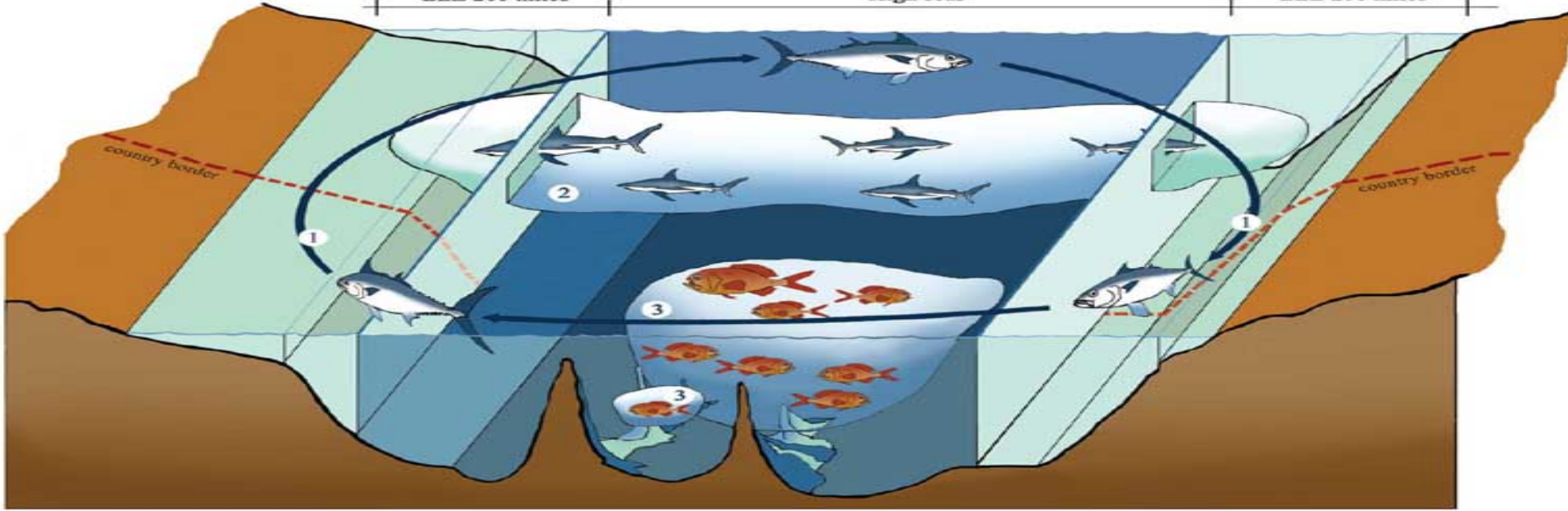
# 1995 UN Fish Stocks Agreement



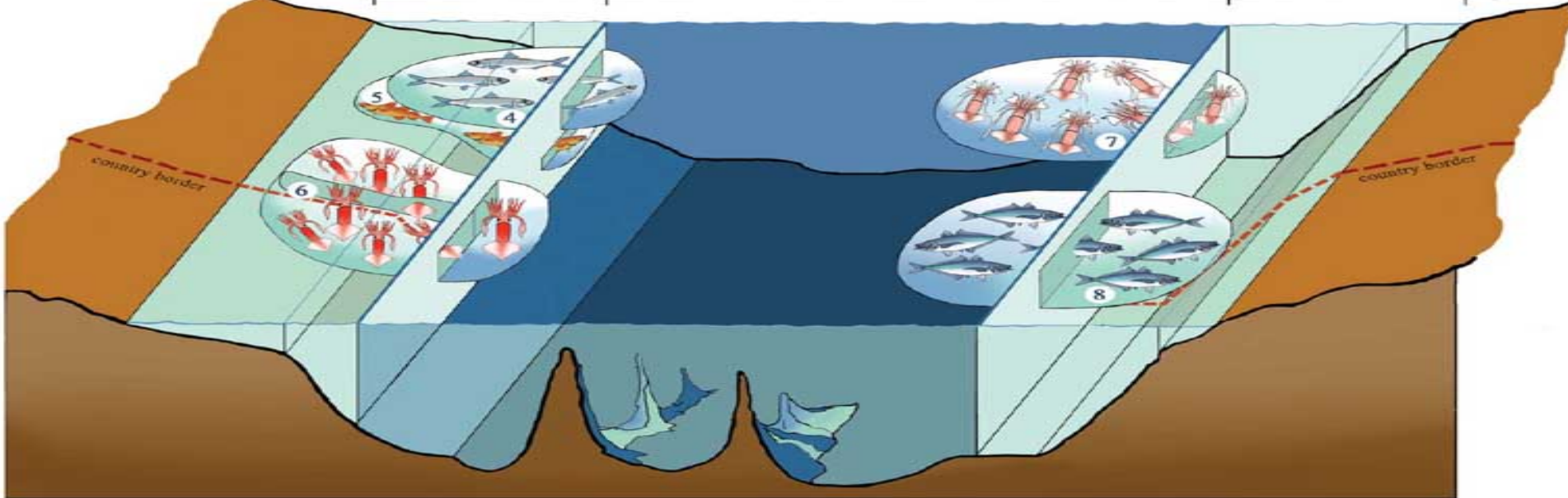
- Legal framework for the conservation and management of straddling fish stocks and highly migratory fish stocks on the high seas areas
- Builds on provisions in UNCLOS
- 89 States Parties
- Voluntary trust fund to assist developing States Parties



Neritic	Oceanic		Neritic
Shelf	Slope	Deep sea	Slope Shelf
EEZ 200 miles	High seas		EEZ 200 miles

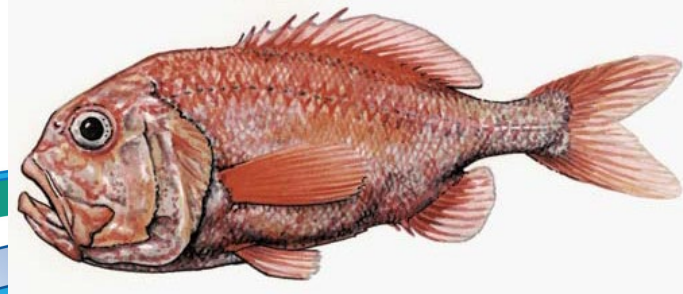


Neritic	Oceanic		Neritic
Shelf	Slope	Deep sea	Slope Shelf
EEZ 200 miles	High seas		EEZ 200 miles



# Legal/Policy Framework (Global) Fisheries

- UN Fish Stocks Agreement
- FAO Compliance Agreement
- FAO Code of Conduct on Responsible Fisheries
- FAO International Plans of Action
- International Guidelines for the Management of Deep-sea Fisheries in the High Seas
- FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
- Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries



# PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

- General obligation (art. 194) to take all measures consistent with UNCLOS that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities.
- Duty to avoid transboundary pollution (art. 194(2))
- Duty to conduct environmental impact assessments (art. 206) - “substantial pollution of or significant and harmful changes to the marine environment”



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# PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

- Measures to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life.



# Specific sources of pollution

- Pollution from Vessels – Articles 211, 217-220
- Pollution from Dumping – Articles 210 & 216
- Pollution from Seabed Activities Subject to National Jurisdiction – Articles 208 & 214
- Pollution from Land-Based Sources – Articles 207 & 213
- Pollution from or through the Atmosphere – Articles 212 & 222

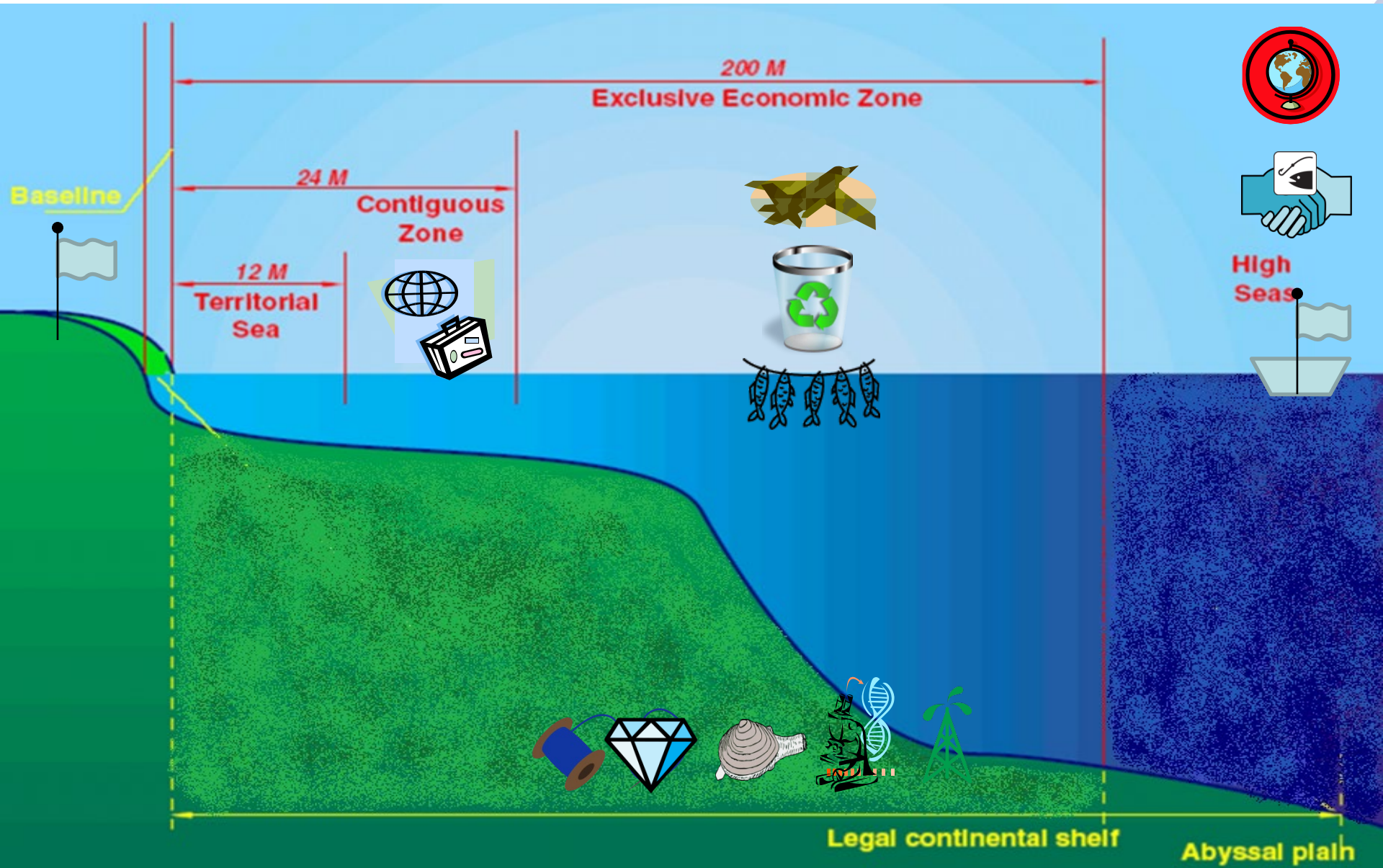
# Other relevant instruments

- General Assembly resolutions
- FAO (e.g. technical guidelines on aquaculture development)
- IMO
- UNEP
- Biodiversity
- Sustainable development
- Others

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# Maritime zones under UNCLOS



# Thank you!



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