

What is the role and history of the United Nations for the maritime industry?

IAPH World Ports Conference 2015
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Overview

1. Role and history of the United Nations for the maritime industry.
2. 1982 United Nations Convention on the Law of the Sea - 'A constitution for the oceans'.
3. Global institutional framework for oceans and the law of the sea.

History of the United Nations and the maritime industry



United Nations



General
Assembly



Security
Council



Economic and
Social Council



Trusteeship
Council



International
Court of Justice



Secretariat

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Ree, J. Reed, and Rick Barahona



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA
UNITED NATIONS



The United Nations System

UN Principal Organs

General Assembly

Security Council

Economic and Social Council

Secretariat

International Court of Justice

Trusteeship Council⁶

Subsidiary Bodies

Main and other sessional committees
Disarmament Commission
Human Rights Council
International Law Commission
Standing committees and ad hoc bodies

Subsidiary Bodies

Counter-terrorism committees
International Criminal Tribunal for Rwanda (ICTR)
International Criminal Tribunal for the former Yugoslavia (ICTY)

Funds and Programmes¹

UNCTAD United Nations Conference on Trade and Development

- **ITC** International Trade Centre (UNCTAD/WTO)

UNDP United Nations Development Programme

- **UNCDF** United Nations Capital Development Fund
- **UNV** United Nations Volunteers

UNEP United Nations Environment Programme

UNFPA United Nations Population Fund

Military Staff Committee
Peacekeeping operations and political missions
Sanctions committees (ad hoc)
Standing committees and ad hoc bodies

UN-HABITAT United Nations Human Settlements Programme

UNHCR Office of the United Nations High Commissioner for Refugees

UNICEF United Nations Children's Fund

UNODC United Nations Office on Drugs and Crime

UNRWA² United Nations Relief and Works Agency for Palestine Refugees in the Near East

UN-Women United Nations Entity for Gender Equality and the Empowerment of Women

WFP World Food Programme

Research and Training Institutes

UNICRI United Nations Interregional Crime and Justice Research Institute

UNIDIR² United Nations Institute for Disarmament Research

UNITAR United Nations Institute for Training and Research

UNRISD United Nations Research Institute for Social Development

UNSSC United Nations System Staff College

UNU United Nations University

Other Entities

UNAIDS Joint United Nations Programme on HIV/AIDS

UNISDR United Nations International Strategy for Disaster Reduction

UNOPS United Nations Office for Project Services

Related Organizations

CTBTO Preparatory Commission Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization

IAEA^{1,3} International Atomic Energy Agency

OPCW Organisation for the Prohibition of Chemical Weapons

WTO^{1,4} World Trade Organization

Advisory Subsidiary Body

Peacebuilding Commission

Specialized Agencies^{1,5}

FAO Food and Agriculture Organization of the United Nations

ICAO International Civil Aviation Organization

IFAD International Fund for Agricultural Development

ILO International Labour Organization

IMF International Monetary Fund

IMO International Maritime Organization

ITU International Telecommunication Union

UNESCO United Nations Educational, Scientific and Cultural Organization

UNIDO United Nations Industrial Development Organization

UNWTO World Tourism Organization

UPU Universal Postal Union

WHO World Health Organization

WIPO World Intellectual Property Organization

WMO World Meteorological Organization

World Bank Group

- **IBRD** International Bank for Reconstruction and Development

- **ICSID** International Centre for Settlement of Investment Disputes

- **IDA** International Development Association

- **IFC** International Finance Corporation

- **MIGA** Multilateral Investment Guarantee Agency

Functional Commissions

Crime Prevention and Criminal Justice
Narcotic Drugs
Population and Development
Science and Technology for Development
Social Development
Statistics
Status of Women
Sustainable Development
United Nations Forum on Forests

Regional Commissions

ECA Economic Commission for Africa
ECE Economic Commission for Europe
ECLAC Economic Commission for Latin America and the Caribbean
ESCAP Economic and Social Commission for Asia and the Pacific
ESCWA Economic and Social Commission for Western Asia

Other Bodies

Committee for Development Policy
Committee of Experts on Public Administration
Committee on Non-Governmental Organizations
Permanent Forum on Indigenous Issues
United Nations Group of Experts on Geographical Names
Other sessional and standing committees and expert, ad hoc and related bodies

Departments and Offices

EOSG Executive Office of the Secretary-General
DESA Department of Economic and Social Affairs
DFS Department of Field Support
DGACM Department for General Assembly and Conference Management
DM Department of Management

DPA Department of Political Affairs
DPI Department of Public Information
DPKO Department of Peacekeeping Operations
DSS Department of Safety and Security
OCHA Office for the Coordination of Humanitarian Affairs
OHCHR Office of the United Nations High Commissioner for Human Rights

OIOS Office of Internal Oversight Services
OLA Office of Legal Affairs
OSAA Office of the Special Adviser on Africa
SRS/CAAC Office of the Special Representative of the Secretary-General for Children and Armed Conflict
SRS/SVC Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict

UNODA Office for Disarmament Affairs
UNOG United Nations Office at Geneva
UN-OHRLS Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States
UNON United Nations Office at Nairobi
UNOV United Nations Office at Vienna

Notes:

¹ The United Nations, its Funds and Programmes, the Specialized Agencies, IAEA and WTO are all members of the United Nations System Chief Executives Board for Coordination (CEB).

² UNRWA and UNIDIR report only to the General Assembly (GA).

³ IAEA reports to the Security Council and the GA.

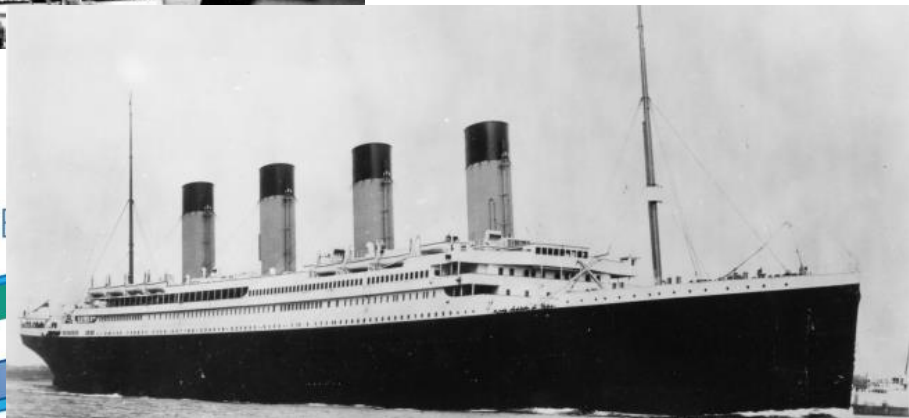
⁴ WTO has no reporting obligation to the GA, but contributes on an ad hoc basis to GA and Economic and Social Council (ECOSOC) work on, inter alia, finance and development issues.

⁵ Specialized Agencies are autonomous organizations whose work is coordinated through ECOSOC (intergovernmental level) and CEB (inter-secretariat level).

⁶ The Trusteeship Council suspended operation on 1 November 1994, as on 1 October 1994 Palau, the last United Nations Trust Territory, became independent.

This is not an official document of the United Nations, nor is it intended to be all inclusive.

History of the law of the sea

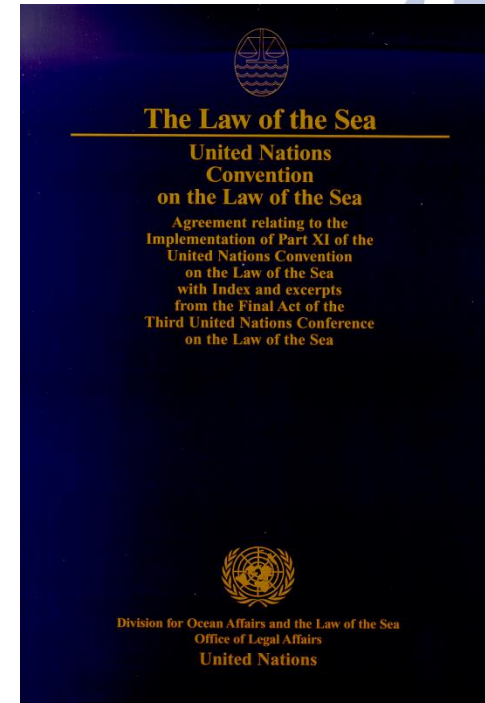


Third United Nations Conference on the Law of the Sea



United Nations Convention on the Law of the Sea

- ‘A constitution for the oceans’
- Comprehensive legal instrument dealing with all aspects of our interaction with the oceans
- Legal framework within which all activities in the oceans and seas must be carried out
- Incorporates agreed compromises and balances, thus constituting a ‘package’



UNITED NATIONS CONVENTION ON THE LAW OF THE SEA VARIOUS PARTS

MARITIME ZONES

TERRITORIAL SEA AND CONTIGUOUS ZONE - PART II
EXCLUSIVE ECONOMIC ZONE - PART V
CONTINENTAL SHELF - PART VI
HIGH SEAS - PART VII
INTERNATIONAL SEABED AREA - PART XI

STATES WITH SPECIAL GEOGRAPHICAL CHARACTERISTICS

ARCHIPELAGIC STATES- PART IV
ISLANDS- PART VIII
LAND-LOCKED STATES- PART X

SPECIAL AREAS NEEDING COOPERATION

STRAITS USED FOR INTERNATIONAL NAVIGATION
- PART III
ENCLOSED OR SEMI-ENCLOSED SEAS - PART IX

CROSS-CUTTING ISSUES

MARINE ENVIRONMENT- PART XII
MARINE SCIENCE - PART XIII
MARINE TECHNOLOGY- PART XIV

RESOLUTION OF CONFLICTS

SETTLEMENT OF DISPUTES - PART XV

PROCEDURAL/ ORGANIZATIONAL ISSUES

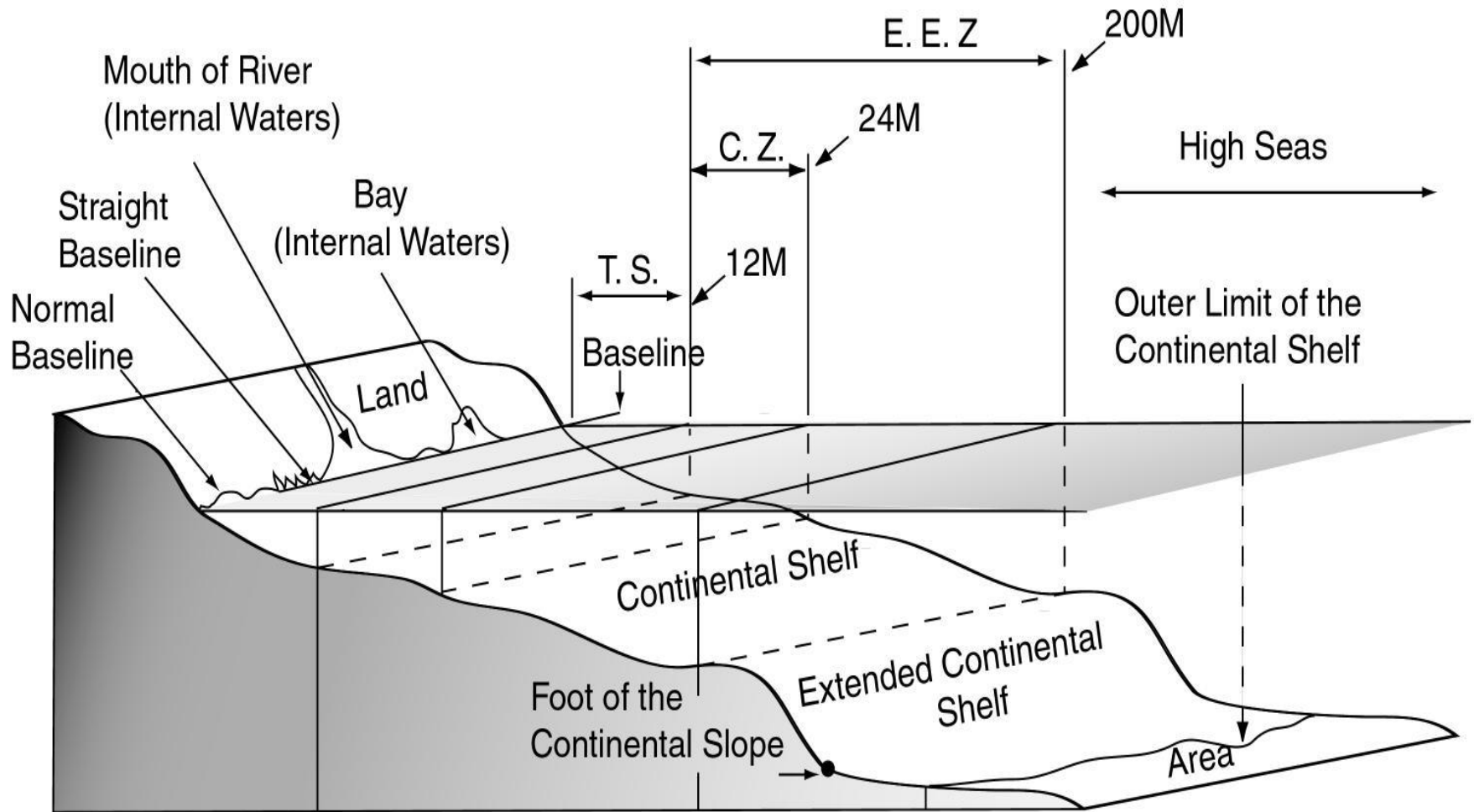
INTRODUCTION- PART I
GENERAL PROVISIONS - PART XVI
FINAL PROVISIONS - PART XVII



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UNITED NATIONS

UNCLOS Maritime Zones



Status of UNCLOS and its Implementing Agreements

UNCLOS (10 December 1982): 157 Signatories, 167 Parties;

Entry into force on 16 November 1994

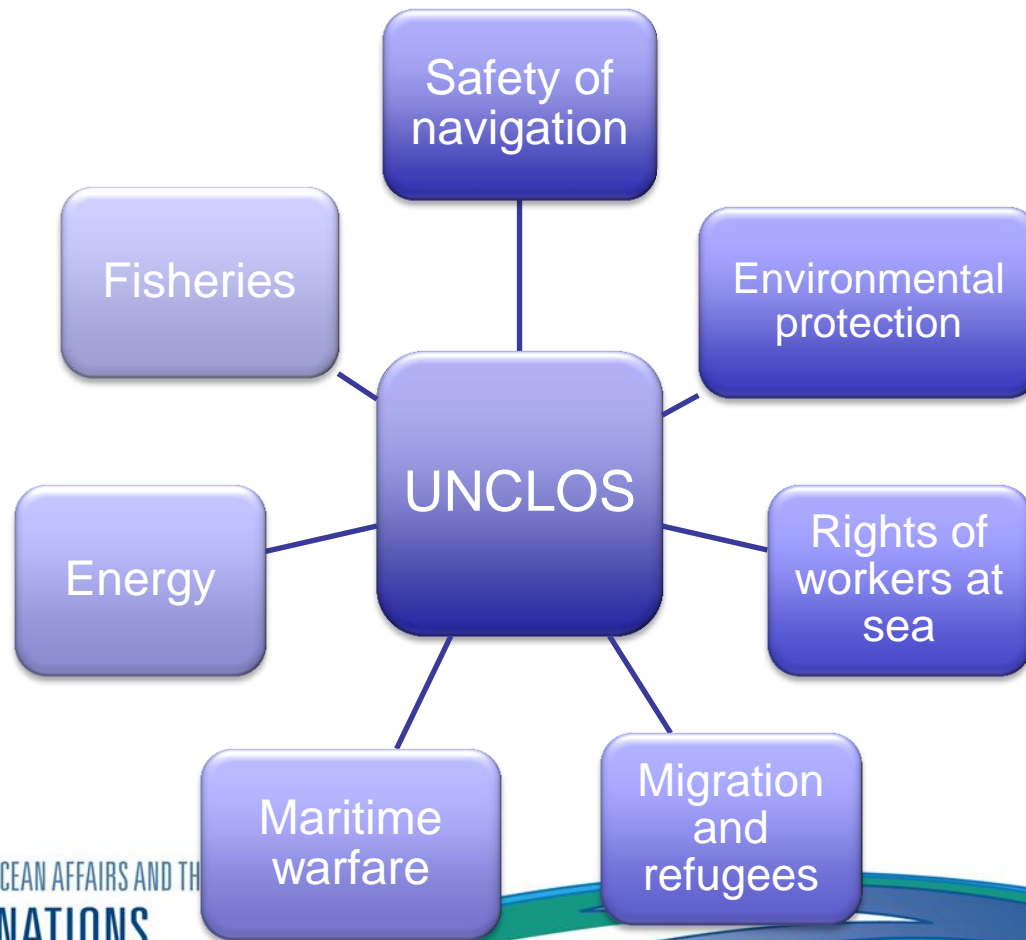
Part XI Implementation Agreement (28 July 1994):

**79 Signatories, 147 Parties; Entry into force provisionally
on 16 November 1994 and definitively on 28 July 1996**

United Nations Fish Stocks Agreement (4 August 1995):

59 Signatories, 82 Parties; Entry into force 11 Dec 2001

UNCLOS and other international law instruments



DIVISION FOR OCEAN AFFAIRS AND THE
UNITED NATIONS

Global institutional framework for oceans and the law of the sea



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UNITED NATIONS

General Assembly

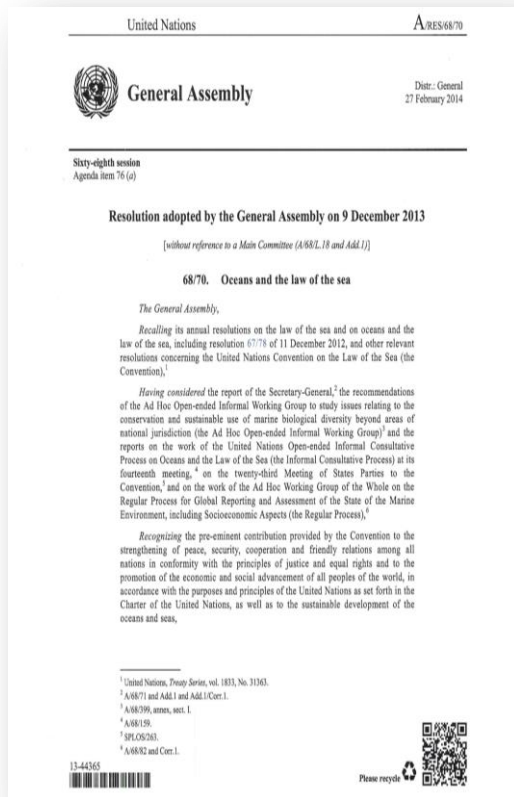


- Annual review and evaluation of:
 - ✓ Implementation of UNCLOS
 - ✓ Other developments relating to the law of the sea
- Global policy guidance
- Assisted by subsidiary bodies

General Assembly and oceans and the law of the sea

Issues addressed in the resolution include:

- Capacity-building
- Activities in the Area
- Commission on the Limits of the Continental Shelf
- Maritime safety, security and flag State implementation
- Marine environment
- Marine biodiversity
- Marine science
- Regular Process



Security Council



Institutions and bodies under UNCLOS

- International Seabed Authority (ISA, ISBA or the Authority)
- International Tribunal for the Law of the Sea (ITLOS)
- Commission on the Limits of the Continental Shelf (CLCS)
- Meeting of States Parties (MSP or SPLOS)



International Maritime Organization (IMO)





IMO

Legal and Policy Framework for Shipping

Most important IMO Conventions

International Convention for the Safety of Life at Sea ([SOLAS](#)), 1974, as amended

International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 ([MARPOL](#))

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers ([STCW](#)) as amended, including the 1995 and 2010 Manila Amendments

Other conventions relating to maritime safety and security and ship/port interface

Convention on the International Regulations for Preventing Collisions at Sea ([COLREG](#)), 1972

Convention on Facilitation of International Maritime Traffic ([FAL](#)), 1965

International Convention on [Load Lines](#) (LL), 1966

International Convention on Maritime [Search and Rescue](#) (SAR), 1979

Convention for the [Suppression of Unlawful Acts Against the Safety of Maritime Navigation](#) (SUA), 1988, and Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf (and the 2005 Protocols)

International [Convention for Safe Containers](#) (CSC), 1972

Convention on the International Maritime Satellite Organization ([IMSO](#) C), 1976

The Torremolinos International Convention for the [Safety of Fishing Vessels](#) (SFV), 1977, superseded by the The 1993 Torremolinos Protocol; Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels

International Convention on [Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel](#) (STCW-F), 1995

[Special Trade Passenger Ships Agreement](#) (STP), 1971 and Protocol on Space Requirements for Special Trade Passenger Ships, 1973

Other conventions relating to prevention of marine pollution

International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties ([INTERVENTION](#)), 1969

Convention on the Prevention of Marine Pollution by [Dumping of Wastes and Other Matter](#) (LC), 1972 (and the 1996 London Protocol)

International Convention on [Oil Pollution Preparedness, Response and Co-operation](#) (OPRC), 1990

Protocol on Preparedness, Response and Co-operation to pollution Incidents by Hazardous and Noxious Substances, 2000 ([OPRC-HNS Protocol](#))

International Convention on the Control of Harmful [Anti-fouling Systems](#) on Ships (AFS), 2001

International Convention for the Control and Management of [Ships' Ballast Water and Sediments](#), 2004

The Hong Kong International Convention for the Safe and Environmentally Sound [Recycling of Ships](#), 2009

Conventions covering liability and compensation

International Convention on [Civil Liability for Oil Pollution Damage](#) (CLC), 1969

1992 Protocol to the International Convention on the Establishment of an [International Fund for Compensation for Oil Pollution Damage](#) (FUND 1992)

Convention relating to Civil Liability in the Field of [Maritime Carriage of Nuclear Material](#) (NUCLEAR), 1971

Athens Convention relating to the [Carriage of Passengers](#) and their Luggage by Sea (PAL), 1974

Convention on [Limitation of Liability for Maritime Claims](#) (LLMC), 1976

International Convention on Liability and Compensation for Damage in Connection with the [Carriage of Hazardous and Noxious Substances by Sea](#) (HNS), 1996 (and its 2010 Protocol)

International Convention on Civil Liability for [Bunker Oil Pollution Damage](#), 2001

Nairobi International Convention on the [Removal of Wrecks](#), 2007

Other subjects

International Convention on [Tonnage Measurement of Ships](#) (TONNAGE), 1969

International Convention on [Salvage](#) (SALVAGE), 1989

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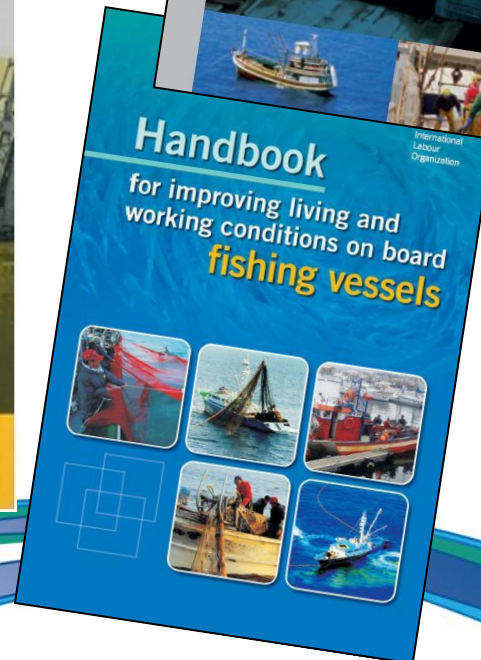
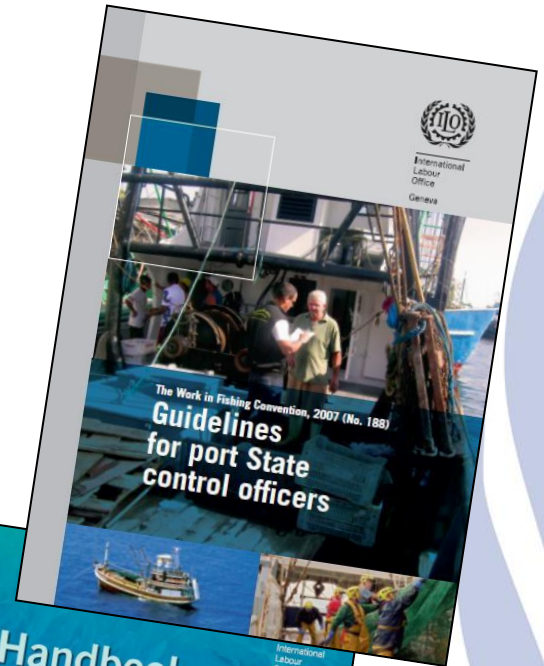
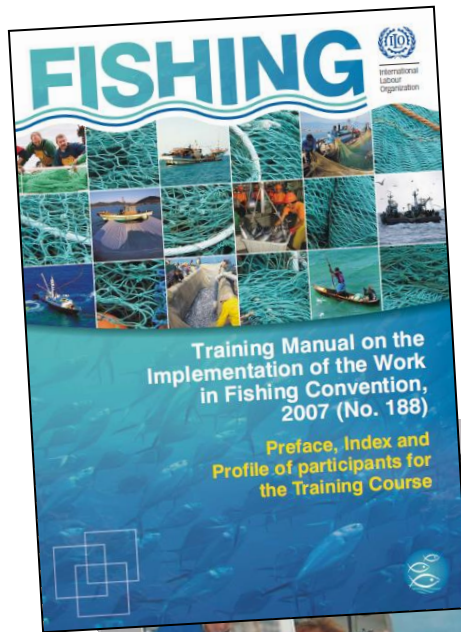


UNCLOS and the International Maritime Organization (IMO)

- Many provisions in UNCLOS can only be implemented through specific operative regulations in other international agreements.
- “Competent international organization” in UNCLOS refers to the IMO.
- Obligation on States Parties to UNCLOS to "take account of", "conform to", "give effect to" or "implement" relevant international rules and standards developed by IMO, even if not a party to those instruments.



International Labour Organization (ILO)



Food and Agriculture Organization (FAO)



2009

FAO Agreement on Port State Measures

- **Binding agreement**
- **Objective**
 - to remove the economic incentive of IUU through denial of port access/services
- **Principal application**
 - Foreign vessels especially reefers and carriers
 - Main focus on species from RFMO areas
 - e.g. IOTC, WCPFC (tunas/billfish), CCAMLR (toothfish), CCSBT
 - Has not yet entered into force 9 ratifications/accessions (25 required)



6th ASEAN Regional Forum Inter-Session Meeting on Maritime Security in Bali, 22-23 May 2014



Combatting IUU fishing in ASEAN - the FAO IPOA-IUU and Port State Measures Agreement

Simon Funge-Smith

Food & Agriculture Organizations of the United Nations (FAO)
Regional Office for Asia and the Pacific



Other UN bodies and organizations involved in ocean issues



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UNITED NATIONS

DOALOS Website - www.un.org/Depts/los



[New developments and recent additions](#)

[Secretary-General and Oceans](#)

[Calendar of meetings](#)

[8 June - World Oceans Day New!!](#)

[Video on UNCLOS in action](#)

THE CONVENTION AND THE RELATED AGREEMENTS

- [United Nations Convention on the Law of the Sea](#)
- [Agreement relating to the implementation of Part XI of the Convention](#)
- [1995 United Nations Fish Stocks Agreement](#)
 - [Review Conference](#)
 - [Informal Consultations](#)
 - [Assistance fund](#)
- [Meeting of States Parties to the Convention](#)
- [Status of the Convention and of the Agreements](#)
- [Deposit of charts/lists of coordinates under the Convention](#)
- [Suspension of innocent passage](#)
- [UNCLOS and sustainable development](#)

OCEANS AND THE LAW OF THE SEA IN THE GENERAL ASSEMBLY

- [United Nations Open-ended Informal Consultative Process](#)
- [Reports of the Secretary-General](#)
- [General Assembly resolutions](#)
- [Other General Assembly documents](#)
- [Official Records of the General Assembly](#)
- [A regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects](#)
- [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](#)

THEMES

- [Marine biological diversity beyond areas of national jurisdiction](#)
- [Ocean noise: peer-reviewed scientific studies](#)
- [Ecosystem approaches](#)
- [Oceans and climate change](#)
- [Piracy](#)

BODIES ESTABLISHED BY THE CONVENTION

- [Commission on the Limits of the Continental Shelf](#)
- [International Seabed Authority](#)
- [International Tribunal for the Law of the Sea](#)
- [ITLOS Trust Fund](#)

SETTLEMENT OF DISPUTES

- [Choice of procedure under article 287 of the Convention](#)
- [International Court of Justice](#)
- [International Tribunal for the Law of the Sea](#)
- [Lists of Arbitrators and Conciliators](#)
- [List of experts](#)

THE DIVISION, ITS FUNCTIONS AND ACTIVITIES

- [H.S. Amerasinghe Fellowship](#)
- [TRAIN-SEA-COAST](#)
- [Technical Cooperation Trust Fund - United Nations and The Nippon Foundation of Japan](#)
- [Technical Assistance](#)
- [United Nations publications prepared by the Division](#)
- [Study - Available assistance to and measures that may be taken by developing States](#)

Thank you for your attention!

