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PROPOSED MEDIUM-TERM PLAN FOR THE PERIOD 1992-1997*

MAJOR PROGRAMME II. CODIFICATION AND DEVELOPMENT OF
INTERNATIONAL LAW

Programme 10. Law of the sea and ocean affairs

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* The present document contains programme 10 of the proposed medium-term plan for the period 1992-1997. The complete medium-term plan will subsequently be issued in final printed form as Official Records of the General Assembly, Forty-fifth Session, Supplement No. 6 (A/45/6/Rev.1).

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PROGRAMME 10. LAW OF THE SEA AND OCEAN AFFAIRS

A. Programme

1. General orientation

10.1 By its resolution 38/227 of 20 December 1983, the General Assembly adopted a major programme on marine affairs, which included, within a single chapter, activities on the law of the sea and ocean affairs, consistent with the comprehensive nature of the United Nations Convention on the Law of the Sea. The most recent legislative authority for activities relating to the law of the sea and ocean affairs derives from General Assembly resolution 44/26 of 20 December 1989, which was preceded by a series of annual resolutions of the Assembly on the law of the sea, starting with resolution 37/66 of 3 December 1982, which followed the adoption of the United Nations Convention on the Law of the Sea of 1982, and the related resolutions; and Economic and Social Council resolution 1987/84, which was preceded by biennial resolutions of the Council on the economic and technical aspects of marine affairs, particularly resolution 1970 (LIX).

10.2 Until now, the activities under the programme have been directed primarily at the provision of information, advice and assistance to States in a variety of ways, in order to facilitate a better understanding by States of the Convention, assisting them in ratifying or acceding to it and promoting its wider acceptance, and rational implementation, as well as ensuring that the application of its provisions by States is uniform and consistent with the Convention.

10.3 In that context, the programme has facilitated the establishment by States of national legislative frameworks that would secure for them the extended maritime areas of sovereignty and national jurisdiction under the new legal régime and assist them in exercising their rights and fulfilling their obligations under the Convention, so that they may harness the benefits of it.

10.4 The programme has also provided methodological approaches to and formulated guidelines for integrated ocean management, marine policy-making and programme development, and has assessed the modalities of their application in specific instances, in particular at the regional and national levels. Technical studies and training courses covering general issues and broad implications pertaining to sea-use planning, development of the marine areas under national jurisdiction, marine scientific research and the assessment of offshore non-fuel mineral resources were also implemented at the regional level. In addition, services have been provided to intergovernmental entities in preparing for the entry into force of the Convention and for the commencement of the functioning of the two international organizations established by the Convention, namely, the International Sea-Bed Authority and the International Tribunal for the Law of the Sea.

10.5 The General Assembly has annually reviewed the implementation of the mandates, and reiterated and supplemented them, based on annual reports of the Secretary-General to the Assembly, presented at its request. In view of the need to reflect the essential unity of the Convention in organizational terms and to provide an integrated approach by the Organization to ocean affairs and the law of the sea, the Secretary-General has consolidated the Secretariat responsibilities in maritime matters in the execution of the existing major programme on marine affairs.

10.6 The General Assembly has directed attention to the increased needs of States for assistance in the implementation of the Convention if they are to reap the fullest possible benefits to be derived from the new legal régime for the oceans. It has addressed the requirements of States to fulfil their responsibilities in view of the prospective entry into force of the Convention. Member States, in particular the developing countries, are as yet unable to take effective measures to exercise their rights and comply with obligations for the full attainment of the benefits assured under the Convention and of the comprehensive legal régime established by it, in view of the lack of resources and of the necessary legal, management, scientific and technical capabilities. There is an urgent need to intensify technological, organizational and managerial assistance to the developing countries, in particular, in their efforts to reap such benefits; there is also a need to enhance and supplement the efforts of States to enable them to acquire the requisite capabilities. The programme is now poised to advance the work of the Organization in responding to the needs of Member States in dealing with the legal, political, economic, scientific, technical and environmental aspects of the law of the sea and marine affairs.

10.7 The thrust of the programme during the period 1992-1997 will be to continue to advise and assist States in their acceptance of the Convention; in applying it uniformly and consistently; in implementing the Convention rationally; in focusing national ocean policy and management appropriately; and in developing their marine capabilities for the purpose of the fuller attainment of their benefits under the Convention. The programme will also respond to the need for support of marine-related activities of organizations within the United Nations system and will co-operate with them in order to ensure that the specialized sectoral activities system-wide are consistent with the Convention régime and to promote a concerted approach by the United Nations and its organizations, agencies and bodies for the full achievement of benefits by States under the Convention. The programme will, in addition, include support and services to the International Sea-Bed Authority and the International Tribunal for the Law of the Sea in their initial phase of operation, which is expected to begin in the course of the medium-term plan period, and implement the additional functions of the Secretary-General upon the entry into force of the Convention, including servicing the Commission on the Limits of the Continental Shelf.

2. Overall strategy

10.8 The programme is implemented by the Office for Ocean Affairs and the Law of the Sea at Headquarters. The Office is headed by an Under-Secretary-General, who is also the Special Representative of the Secretary-General for Ocean Affairs and the Law of the Sea.

10.9 The Office also maintains a temporary duty station at Kingston in order to facilitate the servicing of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea.

10.10 In order to achieve the objectives of the programme, and given the varied nature of the services called for in meeting the needs of Member States, a variety of means of action will be used.

10.11 Facilitating the uniform and consistent application of the United Nations Convention on the Law of the Sea will entail the collection, collation and review

of a wide range of legal and informational materials and their analysis in order to provide: (a) a series of studies offering a legal analysis of the materials used in or resulting from the 14-year negotiating process that led to the adoption of the Convention; (b) a series of studies covering the legal and political aspects of State practice relevant to the Convention; (c) charts and geographical co-ordinates demarcating maritime zones of national jurisdiction and sovereignty following the recording of such information according to established mechanisms; and (d) advisory services on a subregional or national basis to assist States in aligning their national legislation incorporating extended areas of maritime jurisdiction in a manner consistent with the new legal régime. The continued development of the law of the sea information system and the specialized law of the sea library and reference collection will also contribute to achieving the objectives of the programme.

10.12 The needs of Member States in relation to integrated ocean management as a component of marine policy development in the context of the comprehensive legal régime for the oceans will be addressed through continued review of the national management and policy implications of meeting legal requirements under the Convention. Guidelines will be issued in order to give effect to those requirements. Special consideration will be given to the needs arising in the context of building national and regional marine institutions, including science and technology infrastructures, and in securing environmentally sound marine development. Regional and national needs will be assessed and analysed in the context of the broader legal, political and economic aspects of the law of the sea. Additionally, research and studies will be carried out, co-operative regional or national efforts will be supported and assistance in the form of training, advisory services and technical support will be provided. Where funding from external agencies exists and technical assistance or backstopping is requested, the services provided will be contingent upon the co-ordination of such funding with the available programme budget resources.

10.13 With respect to the international sea-bed area and the peaceful settlement of law of the sea disputes, substantive servicing of intergovernmental forums for negotiations during the first part of the plan period followed by co-operation and assistance to the two newly functioning international organizations will be the course of action of the Secretariat.

10.14 The additional responsibilities of the Secretary-General upon the entry into force of the Convention will be discharged through initial preparation for and substantive and technical servicing of the new intergovernmental Commission on the Limits of the Continental Shelf and of other intergovernmental plenipotentiary meetings and bodies, by the preparation of reports on general issues related to the Convention and by the provision of information and other services.

10.15 Co-operation and co-ordination in marine affairs with the United Nations system will be achieved through existing mechanisms and by ad hoc consultative arrangements in response to special needs.

10.16 In relation to the programme, the Office of Legal Affairs of the Secretariat will provide legal advice and assistance on general legal aspects of the work of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea; the Department of Technical Co-operation will assist in the fields of surveying, mapping, cartography and mineral resource development; the United Nations Conference on Trade and

Development (UNCTAD) will prepare studies on special economic problems and commodity markets; the United Nations Environment Programme (UNEP) will prepare studies on the protection of the marine environment, both at the global and regional levels; the Department of Public Information will provide press information materials for intergovernmental meeting services under the programme; and the United Nations Industrial Development Organization (UNIDO) has related sectoral activities at the global and regional levels, particularly in technical co-operation activities and the industrial aspects of marine technologies. Regional commissions will continue to perform activities in marine matters.

3. Subprogramme structure and priorities

10.17 Based on the above general orientation and strategy, five subprogrammes are proposed under the programme:

- Subprogramme 1: Promoting uniform and consistent application of the United Nations Convention on the Law of the Sea and providing advice and information to States
- Subprogramme 2: Assisting marine policy development and integrated ocean management by States in the context of the comprehensive ocean régime
- Subprogramme 3: Support to organizations within the United Nations system and harmonization of marine affairs in the context of the Convention
- Subprogramme 4: Servicing the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea and support to the future Authority and Tribunal
- Subprogramme 5: Servicing the Commission on the Limits of the Continental Shelf established by the Convention and other intergovernmental bodies, and execution of additional responsibilities of the Secretary-General under the Convention

10.18 Priority will be given to activities under subprogrammes 1, 2 and 4.

B. Subprogrammes

SUBPROGRAMME 1. PROMOTING UNIFORM AND CONSISTENT APPLICATION OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA AND PROVIDING ADVICE AND INFORMATION TO STATES

(a) Objectives

10.19 The legislative authority for the present subprogramme derives from General Assembly resolution 40/63 and subsequent annual resolutions on the law of the sea. That mandate has been reaffirmed recently by the General Assembly in its resolution 44/26, in particular in paragraphs 9-11 and 20.

10.20 The Third United Nations Conference on the Law of the Sea did not establish official travaux préparatoires. The result is that most Governments do not have at their disposal all the relevant facts and information that existed prior to the adoption of the Convention, nor are they always in a position to trace the sequence of negotiations held before agreement was attained. The lack of such information can be an impediment to the full understanding and correct interpretation of the Convention's provisions and, consequently, the uniform and consistent application of the Convention by States.

10.21 Another problem most often faced by States, in particular developing States, is to analyse the implications for them of the comprehensive and multidimensional Convention and developments relating thereto, in the context of their legal, political and economic systems and their geographic characteristics. They also have to keep abreast of activities of other States that have implications for them in their acceptance of the Convention and the manner of its application in order to ensure consistent application of the Convention, orderly utilization of ocean space and secure conditions for the exploitation of resources. This requires review of existing or newly enacted national legislation pertaining to the exercise by States of their rights and the assumption of their duties in extended areas of sovereignty or of national jurisdiction; treaties and agreements related to the provisions of the Convention; and decisions and recommendations of national and international courts or arbitral tribunals in the settlement of disputes.

10.22 The objectives of the subprogramme are to assist States in better understanding the Convention and its antecedents, and to foster uniformity of interpretation and consistency in the application of the Convention by States. More specifically, the subprogramme aims at providing analyses of important aspects of the Convention in the context of relevant provisions, the preparatory work and the documentation of the Third United Nations Conference on the Law of the Sea. In addition, the subprogramme aims at facilitating widespread acceptance and rational implementation of the new legal régime for the ocean through advisory services and the dissemination of information on relevant national, regional and international developments in ocean affairs.

(b) Course of action of the Secretariat

10.23 By the end of 1991, the cataloguing and indexing of the official documentation of the Third United Nations Conference on the Law of the Sea will have been completed. The specialized law of the sea library and reference collection will have been further developed and updated, and a law of the sea information system will have been set up. Arrangements will have been made for the interaction of the latter with other information systems.

10.24 During the period 1992-1997, the series of legislative histories and studies analysing the preparatory work and the records of the Third United Nations Conference on the Law of the Sea, its antecedents and other related materials will be continued. They will cover such areas of broad interest to Governments as territorial sea, contiguous zone, straits used for international navigation, high seas, management and conservation of living resources, the régime of archipelagos, protection and preservation of marine environment (some aspects), marine scientific research (some aspects), marine technology and settlement of disputes.

10.25 Evolving State practice constituting the legislative acts and regulatory activities of States that have ratified the Convention and of those which have

extended zones of national jurisdiction will continue to be analysed and presented in the form of studies of State practice as a follow-up to the ongoing publications in the series.

10.26 Monitoring of information through publications, periodicals, reports, government circulars and so on, collection, collation and analysis of national marine-related legislation, and gathering of data and materials will be carried out on a continuing basis. It will also serve to keep other offices and departments of the Organization concerned with ocean-related activities and those connected with peace and security in relation to the uses of the seas up to date with information on current developments.

10.27 The specialized law of the sea library and reference collection will be strengthened by keeping abreast of the most recent interpretative works in law and ocean affairs, scholarly works and scientific and technical publications. The publication of the series of select bibliographies on the law of the sea and ocean affairs will be continued. The archiving of the informal preparatory documents and those issued during and as a follow-up to the Third United Nations Conference on the Law of the Sea and the documents of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea will be completed, in a manner amenable to easy and prompt access. The publication of the annual compilation of law and policy documentation in ocean affairs will continue.

10.28 Recording of large-scale maps and charts and of lists of geographic co-ordinates establishing baselines and limits of maritime zones will be continued using established methodologies and guidelines for the receipt and publication of such information.

10.29 The annual reports on the law of the sea, presented to the General Assembly since 1983, will continue to be made available to the Assembly every year during the plan period, incorporating a broad base of information, including that on the political, legal, economic, scientific, technical and environmental aspects of marine affairs. General, topical and issue-oriented reports will also be prepared for the Assembly and other intergovernmental bodies upon request. In addition, the Law of the Sea Bulletin series also established in 1983, will continue to provide timely information at regular intervals.

10.30 Advisory services, guidelines, briefing materials and special studies and information reviewing national laws, on the formulation of new and supplementary national legislation and regulations implementing the provisions of the Convention, and on developments relating to the new ocean régime will be provided at their request to Governments, national, subregional, regional and global organizations, agencies and institutions, including educational institutions and technical assistance experts, and to training courses, workshops, seminars, symposia, and expert group meetings convened by Governments and by intergovernmental and non-governmental organizations.

10.31 With regard to certain provisions of the Convention involving scientific and technical complexities, seminars or expert group meetings will be convened with the objective of securing the necessary technical inputs for studies and reports intended to facilitate effective application of such provisions by States. Such studies would provide guidelines in the technical application of the legal rules covering various issues, namely, methodologies for demarcating limits of national

maritime zones (territorial sea, contiguous zone, exclusive economic zone, continental shelf), access to and collection and utilization of scientific and technological data, and standards and criteria applicable to resource exploitation and conservation.

10.32 Educational and promotional services will be carried out to foster public awareness of the significance of the Convention. The administration of the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea will continue and efforts will be made to accommodate additional awards.

10.33 Based on the expansion and further development of the law of the sea information system, an information service will be developed and made available to Member States, intergovernmental organizations and other specialized users on a regular basis. The information system, centred around the legislative data base and incorporating other marine-related data bases, will be further expanded to incorporate the United Nations Ocean Affairs and the Law of the Sea data base on marine minerals, and to cover additional fields of marine-related information and data, and to be interactive with other information systems.

SUBPROGRAMME 2. ASSISTING MARINE POLICY DEVELOPMENT AND INTEGRATED OCEAN MANAGEMENT BY STATES IN THE CONTEXT OF THE COMPREHENSIVE OCEAN RÉGIME

(a) Objectives

10.34 The legislative authority for the present subprogramme derives from Economic and Social Council resolutions 1985/75 and 1987/84, and General Assembly resolution 40/63 and subsequent annual resolutions on the law of the sea. The mandate has been reaffirmed recently by the Assembly in its resolution 44/26, in particular in paragraphs 11-13.

10.35 The United Nations Convention on the Law of the Sea provides for the first time a single convention of a comprehensive and diverse nature, which, in one stride, has brought about changes of such complexity and magnitude that national Governments have been required to formulate new policies, review their marine-related activities and make new institutional and administrative arrangements. The Convention was formulated bearing in mind that the problems of ocean space are closely interrelated. The traditional sectoral or one-dimensional approach to ocean management fails to optimize the benefits accruing from the resources and uses of marine areas because it overlooks linkages and interactions between marine-based activities and other activities contributing to the economy; it creates conflicts of use and, in particular, does not address problems of environmental degradation. While the need for an integrated ocean management approach is now widely accepted, there remain serious difficulties in implementing it. Most States, especially developing States, lack a cohesive marine policy. In addition, the formulation and implementation of marine programmes and the required national capabilities constitute tremendous problem areas, in particular for developing countries.

10.36 The objective of the subprogramme is to assist Member States in setting up policies relating to the marine sector and in developing and implementing an integrated management strategy for the optimum utilization of coastal and marine resources consistent with ecological considerations in the context of the comprehensive new legal régime for the oceans. Such policies must take into

account the extended maritime areas of sovereignty or national jurisdiction and the incorporation of the marine sector into national development. This also requires complementing national institutional infrastructures and strengthening national capabilities for the development and implementation of programmes for the marine sector, addressing the financial, scientific, technological and environmental aspects of marine activities.

(b) Course of action of the Secretariat

10.37 Research and analysis will be carried out at the national, subregional, regional and international levels on the needs and the preparations required for integrated ocean management in view of the implications of the Convention. Reviews and reports will be published in order to increase awareness of management issues regionally and internationally and at all levels. Reports will be provided, as appropriate, to intergovernmental bodies and to individual States.

10.38 With regard to marine policy development and implementation, and formulation of marine programmes, emphasis will be placed on the preparation and dissemination of studies and reports to facilitate Member States' efforts in developing methodologies, tools and techniques in support of integrated marine programmes, including those for information and data acquisition and their effective utilization. Examples of the areas of work envisaged are the development of regional, subregional and national marine profiles and data atlases, and of guidelines and criteria for the designation of "special areas". Specific problems related to management and institutional/regulatory arrangements will also be addressed.

10.39 With respect to marine science and technology, the Convention requires the establishment of national and regional marine scientific and technological research centres and the strengthening of existing national centres in order to stimulate and advance the conduct of marine scientific research and acquisition of marine technology by developing coastal States and to enhance their national capabilities to utilize their marine resources for economic benefit, with due regard to conservation. To do this, advisory services will be provided regionally or subregionally to: (a) identify existing capabilities of national and regional centres; (b) determine needs for the establishment of additional regional centres; and (c) determine arrangements for pooling existing resources.

10.40 With regard to the marine environment, efforts will be made to create an awareness of existing environmental regulations and guidelines at national and regional levels, and the modalities for their effective enforcement, and to learn from those experiences so that strains on ocean ecology can be alleviated through regional and subregional co-operation.

10.41 Bearing in mind that effective co-operation among States will facilitate environmentally sound ocean management and development and that the Convention calls consistently for co-operation that helps the pooling of resources and expertise and takes into account the ecological interdependence of contiguous parts of the oceans, promotion of co-operative approaches and strategies, and joint activities between States of a region or subregion will also be an important component of the subprogramme.

10.42 Provision of training services in the law of the sea, ocean management and marine policy and programme development will be an integral part of the

subprogramme. Upon request by States or organizations active in the marine sector, advisory services, institutional support and other technical backstopping for specific projects will be provided where programme resources are supplemented by extrabudgetary resources.

SUBPROGRAMME 3. SUPPORT TO ORGANIZATIONS WITHIN THE UNITED NATIONS SYSTEM AND HARMONIZATION OF MARINE AFFAIRS ACTIVITIES IN THE CONTEXT OF THE CONVENTION

(a) Objectives

10.43 The legislative authority for the present subprogramme derives from Economic and Social Council resolutions 1985/75, paragraph 3, and 1987/84, paragraphs 3 and 4, and General Assembly resolution 44/26, in particular paragraphs 11 and 12.

10.44 Prior to the adoption of a generally acceptable, uniformly applicable and comprehensive Convention on the Law of the Sea, the various organizations within the United Nations system developed their marine-related programmes on the basis of technical and specialized definitions of mandates, needs and opportunities. The Convention constitutes an umbrella under which the relevant organizations and specialized agencies within the United Nations system should carry out their marine-related activities in a manner consistent with the essential unity of the Convention. Those organizations and agencies often require support under the programme with a view to securing consistency of their marine-related activities under the legal régime established by the Convention.

10.45 The objective of the subprogramme is to provide that support to the organizations and agencies of the United Nations system and to promote a concerted approach to the application and implementation of the Convention, especially in the formulation of legal instruments and marine related programmes in their specialized sectors. Joint action, when appropriate, will be taken in conjunction with the organizations and agencies in their respective specialized sectors of marine affairs.

(b) Course of action of the Secretariat

10.46 The United Nations system has, over the years, achieved a significant level of co-operation in the formulation and implementation of marine-related programmes. With the adoption of the Convention that highly effective co-operation was utilized to initiate the process to achieve the cohesion called for by the Convention.

10.47 During the period 1992-1997, the level of support and assistance will be intensified through the mechanisms and procedures already in existence. Efforts will be made further to strengthen co-operation with the organizations of the United Nations system, including the regional commissions and the funding agencies, for work concerned with marine affairs in order to improve co-ordination, reflecting the comprehensive and interrelated nature of marine affairs in the light of the Convention. Concerted efforts and joint approaches will be promoted with respect to inter-sectoral and multidisciplinary activities, utilizing existing specialized mechanisms, such as the Inter-Secretariat Committee on Scientific Programmes Relating to Oceanography. The consultative process initiated by the Special Representative of the Secretary-General for the Law of the Sea will be continued in order to strengthen co-operation and facilitate co-ordination.

10.48 Assistance and advisory services will be provided in support of those co-operative activities in order to secure the consistency of specialized sectoral activities with the requirements of the Convention and its interpretation. Such services relevant to the Convention's implications on the sectoral activity concerned, including the formulation and implementation of programmes, status reports on developments relating to the Convention and other information materials or briefings, will be provided to intergovernmental organizations, regional commissions, specialized agencies and so on for their use or for the use of their member States, or to intergovernmental meetings and conferences convened by them.

10.49 Co-operative arrangements with specialized agencies, organizations and bodies of the United Nations system will also be promoted in order to provide Member States with studies, reports and advice on the implications of the new ocean régime on specialized marine-related conventions, treaties and other multilateral agreements and support in preparing necessary legal materials will be provided upon request.

10.50 Ongoing joint and co-operative activities will be continued and supplemented as necessary.

SUBPROGRAMME 4. SERVICING THE PREPARATORY COMMISSION FOR THE INTERNATIONAL SEA-BED AUTHORITY AND FOR THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA AND SUPPORT TO THE FUTURE AUTHORITY AND TRIBUNAL

(a) Objectives

10.51 The legislative authority for the present subprogramme derives from the United Nations Convention on the Law of the Sea, in particular article 163 and annexes V and VI, and General Assembly resolution 44/26, paragraph 9.

10.52 During the medium-term plan period, the work of the Preparatory Commission is expected to be completed and the International Sea-Bed Authority and the International Tribunal for the Law of the Sea will be in need of assistance from the Secretariat for the commencement of their operations. Those two bodies are expected to commence their functions as soon as possible following the entry into force of the Convention, which occurs one year after the date of deposit of the sixtieth instrument of ratification of or accession to the Convention.

10.53 The objectives of the subprogramme are to continue providing secretariat services to the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea and to complete the necessary measures to ensure the entry into effective operation of the International Sea-Bed Authority and the International Tribunal for the Law of the Sea, and to make the necessary arrangements for the commencement of their functions; and thereafter to provide assistance to the newly functioning organizations.

(b) Course of action of the Secretariat

10.54 During the first part of the plan period, the Secretariat is expected to conclude its work in servicing the Preparatory Commission. Preparations will be completed for the practical, institutional and administrative arrangements necessary for the International Sea-Bed Authority and the International Tribunal for the Law of the Sea to commence their functions.

10.55 During the next phase the Secretariat will prepare for and, in due time, convene and service the initial meetings of the International Sea-Bed Authority and its organs. Similarly, the Secretariat will make the necessary arrangements for the commencement of the functions of the International Tribunal for the Law of the Sea.

10.56 Pursuant to the co-operative/relationship arrangements between the International Sea-Bed Authority and the United Nations, and between the International Tribunal for the Law of the Sea and the United Nations, as provided for in the Convention, the Secretariat will co-operate with and provide assistance to those organizations. The Enterprise, which is the operational organ of the Authority, will conduct exploration and exploitation of the sea-bed, and it is expected that it will also be provided with assistance under the subprogramme.

10.57 The Secretariat will discharge the Secretary-General's additional responsibilities mandated by the Convention relating to the activities of the International Tribunal, and also in relation to other procedures and forums for the settlement of disputes, namely, voluntary and compulsory international conciliation procedures, constitution of arbitral tribunals and procedures to be followed by them, and similar functions relating to specialized arbitration procedures.

10.58 The Secretary-General's other functions relating to the settlement of law of the sea disputes include conforming with the application of the Convention's dispute settlement procedures and his related functions regarding the peaceful settlement of disputes under articles 3 and 33 of the Charter of the United Nations. The Secretariat also has to co-ordinate with the Registrar of the Tribunal the application of the Convention's dispute settlement procedures in the light of the corresponding responsibilities of the Security Council. The Secretariat will also receive declarations of States parties accepting the jurisdiction of the several dispute settlement procedures under the Convention, including those accepting the jurisdiction of the Tribunal. Due communication and notification of those declarations will be required of States parties and others. The services of the Secretary-General will also be provided, as required, in facilitating the related activities of the International Tribunal and of the International Court of Justice, particularly with respect to disputes where provisional measures or preliminary proceedings have been taken in one forum and the merits of the case by another.

SUBPROGRAMME 5. SERVICING THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF ESTABLISHED BY THE CONVENTION AND OTHER INTERGOVERNMENTAL BODIES, AND EXECUTION OF ADDITIONAL RESPONSIBILITIES OF THE SECRETARY-GENERAL UNDER THE CONVENTION

(a) Objectives

10.59 The legislative authority for the present subprogramme derives from the United Nations Convention on the Law of the Sea, in particular article 319 and annex II, and General Assembly resolution 44/26, paragraph 9.

10.60 The Convention on the Law of the Sea mandates a number of additional functions for the Secretary-General that are likely to be required during the plan period. These involve preparing for and servicing the Commission on the Limits of the Continental Shelf, necessary meetings of States parties and plenipotentiary conferences, presenting reports on issues of a general nature that have arisen with

respect to the Convention and fulfilling notifications and related requirements under the Convention.

10.61 The objectives of the subprogramme are to provide secretariat servicing of the intergovernmental bodies mentioned above and to execute effectively the additional functions of the Secretary-General under the Convention.

(b) Course of action of the Secretariat

10.62 By the end of 1991, substantial progress will have been made in the preparations for substantive servicing and logistical support for the Commission on the Limits of the Continental Shelf, meetings of States parties and plenipotentiary conferences, as well as for the other additional responsibilities of the Secretary-General.

10.63 During the initial phase of the period 1992-1997, those preparations will be completed. Thereafter, the Commission on the Limits of the Continental Shelf will be provided with secretariat services upon establishment. The Commission will review scientific and technical data pertaining to the application of a complex formula by which to effect the demarcation of the legal limits between a coastal State's continental shelf and the international sea-bed area. After a review of each case, the Commission will make recommendations to coastal States with regard to the limits of their continental shelf. The limits of the shelf established by coastal States on the basis of those recommendations will be final and binding and they in turn will establish the legal limits of the international sea-bed area. The Commission will act through subcommissions. The Secretariat will be called upon to provide advice and information not only on legal aspects, but also on specialized fields of marine geology, geophysics, geochemistry and hydrography, the elements of which are incorporated in the complex formula. The Secretariat will provide the necessary legal advisory services and other scientific and technological advisory services in the review and assessment of such data.

10.64 Meetings of States parties to the Convention and plenipotentiary conferences are to be convened as necessary by the Secretary-General. Secretariat services for such meetings would require preparation of relevant documentation and information, convening of the meetings or conferences and provision of advisory and substantive services and administrative support.

10.65 The reports on issues of a general nature that have arisen with respect to the Convention, which are to be provided pursuant to the requirements under the Convention, will require analysis and assessment of the legal and political implications of governmental and intergovernmental activities globally, and their relationship with the Convention, its interpretation and application. Such actual and emerging issues will be reported to States parties, relevant intergovernmental bodies and agencies of the United Nations system.

10.66 The Secretary-General will also receive, record, give due publicity to and notify States parties of a variety of formal instruments dealing with such matters as declarations made when ratifying and acceding to the Convention, declarations of international organizations and their member States concerning periodic transfers of competence, proposed amendments to the Convention, and so on.
