



Pacific
Community
Communauté
du Pacifique



SPREP
Secretariat of the Pacific Regional
Environment Programme



UNSW
Centre for
Sustainable
Development Reform

9. Enhancing the conservation and sustainable use of oceans and their resources by implementing international law as reflected in the UNCLOS.

This theme focuses on the implementation and evolution of the international legal framework for ocean governance. It encompasses maritime boundary delimitation, mechanisms for dispute resolution, and regulation of resource exploitation under international law.

Additional considerations, as raised through the UN's stakeholder consultation on panel themes, include strengthening compliance mechanisms, developing capacity for maritime law enforcement, addressing emerging challenges such as sea-level rise impacts on maritime boundaries, and implementing the new BBNJ agreement.

Pacific Context:

The Pacific region presents one of the world's most complex challenges in implementing international ocean law. Pacific Island Countries and Territories (PICTs) collectively manage over 30 million square kilometres of sea area through their Exclusive Economic Zones (EEZs), despite their land mass comprising just over half a million square kilometers.¹ This vast disparity between land and ocean jurisdiction creates unique challenges for governance and enforcement.

Maritime jurisdiction in the region remains fragmented, with only 60% of potential maritime boundaries formally agreed upon and deposited with the UN.² This jurisdictional uncertainty creates significant challenges for enforcement and sustainable resource management, particularly in the context of transboundary resources and illegal fishing activities.

Climate change poses unprecedented legal challenges that UNCLOS was not originally designed to address. Rising sea levels threaten to submerge critical basepoints used to calculate maritime zones, potentially affecting jurisdiction over vast ocean areas. The reliance on 'ambulatory' rather than 'fixed' baselines to calculate maritime zones leaves low-lying states particularly vulnerable to changing coastlines and potential loss of maritime jurisdiction.³ The 2023 Pacific Islands Forum Declaration has established an important regional position on this issue, affirming that maritime zones, once established and notified to the UN in accordance with UNCLOS, shall continue to apply without reduction notwithstanding physical changes from climate change-related sea-level rise. The AOSIS Leaders' Declaration reinforces this stance, recognising SIDS as specially affected by these transboundary impacts. These declarations provide a framework for addressing the preservation of maritime jurisdiction in the face of climate change effects.

Implementation capacity remains severely constrained across the region. Technical capacity for maritime surveillance and enforcement is limited, with Pacific Patrol vessels facing significant challenges in monitoring distant waters. Many vessels operate with outdated technology and are approaching the end of their economic life cycles, hampering effective enforcement beyond EEZs.⁴

The emergence of new ocean uses creates additional legal complexities. Deep seabed mining proposals within national jurisdictions have highlighted regulatory gaps, with only five Pacific Island countries having comprehensive legislation addressing seabed mineral activities.⁵ The development of marine genetic resources raises further questions about benefit-sharing and intellectual property rights that existing legal frameworks struggle to address.

The recent BBNJ Agreement represents both an opportunity and challenge for the region. While Pacific nations have shown strong support, implementing its provisions will require significant capacity building and resource mobilization. The agreement's effectiveness will depend largely on how well it can be integrated with existing regional frameworks and implemented within national contexts.

Regional Instruments

- [Western and Central Pacific Fisheries Convention](#)
- [2023 Declaration on the Continuity of Statehood and the Protection of Persons in the Face of Climate Change-Related Sea-Level Rise](#)

International Instruments

- [United Nations Convention on the Law of the Sea \(UNCLOS\)](#)
- [Agreement on Biodiversity Beyond National Jurisdiction \(BBNJ\)](#)

The Ocean Action panels at UNOC3 are collaborative, multi-stakeholder sessions designed to:

- Generate concrete commitments and actions to support SDG14 implementation
- Produce specific outcomes that will be captured in the "Nice Ocean Action Plan"
- Contribute to the Conference's overarching theme of "Accelerating action and mobilizing all actors to conserve and sustainably use the ocean"
- Foster partnerships between governments, civil society, private sector, and other stakeholders

1. Govan, H. 2011. Good coastal management practices in the Pacific : experiences from the field. – Apia, Samoa : SPREP, 2011. 42 p
2. SPC. The Status of Pacific Regional Maritime Boundaries as of July 2020
3. Strating, R. and Wallis, J. (2022). Maritime sovereignty and territorialisation: Comparing the Pacific Islands and South China Sea. *Marine Policy*, 141, p.105110. doi:<https://doi.org/10.1016/j.marpol.2022.105110>.
4. Kakee, T. (2020). Deep-sea mining legislation in Pacific Island countries: From the perspective of public participation in approval procedures. *Marine Policy*, 117, p.103881. doi:<https://doi.org/10.1016/j.marpol.2020.103881>.
5. FFA Illegal Unreported Unregulated Tuna Fishing IUU 2021