

17.23 THE ENVIRONMENTAL LAW OF THE SEA

RECALLING that the oceans cover 71 per cent of the surface of the earth and are the home of a vast number of species of plants and animals;

FULLY AWARE of the importance of ocean management as a component of the world-wide efforts towards the conservation of the biosphere and achievement of the goals of the World Conservation Strategy and the implementation of the principles of the World Charter for Nature;

RECALLING Resolution 15/17 of the 15th Session of the IUCN General Assembly (1981) and Resolution 16/12 of the 16th Session of the IUCN General Assembly (1984) as well as the action taken in many international fora and by many international and national organizations to foster interest in ocean affairs and to promote cooperative ocean conservation and management action;

MINDFUL of the fact that the United Nations Convention on the Law of the Sea (LOS) that was signed and opened for signature in December 1982 has played a significant role in the elaboration of the environmental law of the sea, and that its provisions, especially those set forth in Part XII dealing with "Protection and Preservation of the Marine Environment", are reflective of customary international law;

AWARE that the IUCN Commission on Environmental Policy, Law and Administration (CEPLA), in collaboration with the Ocean Studies Programme, Dalhousie University, Canada, has already completed a detailed analysis of the potential allocation of responsibilities for implementing the environmental provisions of the LOS Convention;

RECOGNIZING that to date 35 States have ratified the LOS Convention, and that 60 State ratifications are needed for the Convention to enter into force;

CONCERNED that the actual practice of managing resources and regulating uses in marine areas in which States have jurisdiction (including 200-mile Exclusive Economic Zones for those countries which have declared them) is not well advanced, and that, in many cases, resources are presently managed without adequate consideration of intersectoral connections and without consideration of overall marine priorities and goals;

The General Assembly of IUCN, at its 17th Session in San Jose, Costa Rica, 1-10 February 1988:

1. RENEWS the calls for action contained in Resolution 16/12 of the 16th Session of the IUCN General Assembly.
2. REQUESTS the Director General of IUCN to assist, so far as practicable, in this process of implementation of the LOS Convention ; and to give special attention to the ocean component in the preparation of the World Conservation Strategy companion volume; and to encourage governments to give effect to the environmental principles reflected in the LOS Convention, whether by ratifying or acceding to the Convention or otherwise.

INVITES the United Nations Environment Programme (UNEP), as soon as possible after entry into force of the LOS Convention, to convene a conference, in collaboration with other appropriate organizations, to consider necessary conservation measures.

RECOMMENDS that States should implement institutional arrangements, conservation principles, research and monitoring, data banks, and other activities to reduce, prevent and control pollution in marine areas under their jurisdiction; as well as provide assistance to developing countries in developing and implementing effective ocean management regimes.

FURTHER RECOMMENDS that nongovernmental organizations assess the effectiveness of management of marine and coastal areas and undertake educational and information dissemination activities.