

Mr. Ban Ki-moon,  
Secretary-General,  
United Nations,  
United Nations Headquarters,  
New York,  
NY 10017  
United States

10 December 2012

Dear Secretary-General,

### **30<sup>th</sup> ANNIVERSARY OF UN CONVENTION ON THE LAW OF THE SEA**

I write on behalf of the International Chamber of Shipping (ICS), which is the principal international trade association for shipowners. Through our membership of national shipowners' associations, ICS represents over 80% of the world merchant shipping fleet with the various United Nations agencies that impact on shipping, especially the International Maritime Organization (IMO).

I am delighted to extend congratulations to the United Nations, and the Division for Ocean Affairs and the Law of the Sea (DOALOS), on the 30<sup>th</sup> anniversary of the signing of the United Nations Convention on the Law of the Sea (UNCLOS) at Montego Bay, on 10 December 1982.

The enduring relevance of UNCLOS pays testimony to the vision of those that drew up the text and oversaw its adoption all those years ago. Given that international shipping transports about 90% of world trade, UNCLOS is of great importance.

UNCLOS, of course, provides the basic legal framework that defines the extent of States' jurisdiction for the implementation of IMO's detailed treaties and regulations for maritime safety and pollution prevention. These IMO Conventions are widely ratified by governments, and genuinely implemented and enforced on a global basis.

The delicate balance of rights and responsibilities between nations as established in UNCLOS is central to the belief of the shipping industry that it is of the utmost importance that this major UN Convention continues to operate in its present form.

Shipping is an inherently global industry - indeed the first truly global industry - and the vital importance of uniform international rules has always been recognised by UN Member States. If different rules concerning ship construction or environmental protection were to apply at different ends of a voyage we would have chaos. It is therefore of great importance to the shipping industry that UNCLOS recognises IMO as being the “competent international organisation” in connection with the adoption of international shipping rules and standards for maritime safety, navigation, the prevention and control of marine pollution from ships, and arrangements for compensation when needed.

While the principle of global rules for a global industry is universally recognised, a perennial challenge is to resist attempts by governments to develop national or regional rules at variance to those already agreed internationally. In many cases, it appears that national or regional political demands for unilateral action are made without a complete knowledge of the governance of shipping by the United Nations, or of the sophisticated legislative mechanisms that regulate international shipping under the auspices of IMO.

As you will be aware, apart from enshrining the principle of global maritime rules, which are vital to our global industry, UNCLOS establishes the right of all nations to freedom of navigation on the high seas and to the right of innocent passage in territorial waters. It also deals with delicate matters such as the right of all ships to use international straits, which is a very sensitive geo-political issue.

Importantly, UNCLOS also provides the legal basis that allows UN Member States to repress the scourge of piracy on the high seas, which remains a continuing problem worldwide, not just in waters off the coast of Somalia. Indeed, UNCLOS Articles on piracy have provided the basis for several recent UN Security Council Resolutions, highlighting the continuing importance of the Convention and the need to uphold its principles.

The International Chamber of Shipping will continue to encourage those governments that have not yet done so to ratify UNCLOS, in order to maintain the core of the current global maritime regulatory regime which includes Conventions adopted by IMO.

It is no exaggeration to conclude that UNCLOS is vital for the safe operation of ships, for environmental and economic sustainability of world trade, and for the continued wellbeing of the world’s population.

Yours sincerely

Masamichi Morooka  
Chairman

Copy:

Mr Koji Sekimizu  
Secretary-General  
International Maritime Organization

Mr Sergei Tarassenko  
Director  
Division for Ocean Affairs and the Law of the Sea (DOALOS)  
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