

## UNICPOLOS-7 HIGHLIGHTS: THURSDAY, 15 JUNE 2006

On Thursday morning, delegates to the seventh meeting of the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS-7 or Consultative Process) reconvened in plenary to address cooperation and coordination, especially as it relates to ecosystem approaches and oceans. In the afternoon, delegates engaged in a general exchange of views on areas of concern and actions needed and addressed issues that could benefit from attention in future work of the General Assembly. The Friends of the Co-Chairs group chaired by Renée Sauvé (Canada) reconvened at lunch time and throughout the evening.

### PLENARY

**COOPERATION AND COORDINATION, ESPECIALLY AS IT RELATES TO ECOSYSTEM APPROACHES AND OCEANS:** Patricio Bernal, UN-Oceans, outlined UN-Oceans' work in 2005 and 2006, highlighting the UN-Oceans Task Force on Post-Tsunami Response and collaboration for the creation of an early warning system in the Indian Ocean. In relation to the implementation of ecosystem approaches, he explained that UN-Oceans functions as a coordination mechanism for the Secretary-General, and highlighted the establishment of UN-Oceans Task Forces on: a Regular Process for Global Reporting and Assessment of the State of the Marine Environment (GMA); Biodiversity in Marine Areas Beyond National Jurisdiction; and the Second Inter-governmental Review of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA).

Salif Diop, UNEP, reported on the first meeting of the *Ad Hoc* Steering Group for the "Assessment of Assessments" of the GMA, which took place in New York prior to UNICPOLOS-7. He noted discussion on: a review of an updated survey on regional and global marine assessments; criteria for selection of the group of experts; and modalities for selection and participation of observers at meetings. He emphasized the importance of completing the nomination and appointment of country representatives, and of mobilizing financial resources to move the process forward.

On the GMA process, Bernal noted member States' commitment to being less prescriptive on the form of the "Assessment of Assessments," protecting the independence

of the group of experts, and guaranteeing the inclusiveness of the process. He underscored the need to mobilize resources to finance the "Assessment of Assessments," inviting member States to consider immediate funding possibilities. NAMIBIA and MEXICO called for voluntary contributions to the *Ad Hoc* Steering Group to ensure furthering the process.

On the implementation of ecosystem approaches, the INTERNATIONAL HYDROGRAPHIC ORGANIZATION supported the acknowledgement of hydrographic data and national hydrographic offices in the process. The INTERNATIONAL COALITION OF FISHERIES ASSOCIATIONS (ICFA) advocated avoiding conflict between stakeholders by using participatory management, access and use rights for fishers, and industry-led initiatives. He cautioned that fishers may mistrust ecosystem approaches that impose reduced catches in the short term, noted that many ICFA members have an economic interest in bottom trawling, and called for balancing food security and conservation concerns. The DAVID SUZUKI FOUNDATION, on behalf of the NRDC, Greenpeace, Conservation International, the Marine Conservation Biology Institute, and the Living Oceans Society, noted that ecosystem approaches should not only involve fisheries but all sectors. He stated that precaution is enshrined in legally binding agreements and called for RFMO reform in order to apply UNFSA Articles 5 (General principles) and 6 (Application of the precautionary approach).

On cooperation and coordination, the RAMSAR CONVENTION called for ensuring multi-sectoral synergy between relevant conventions at all levels in order to further implement the ecosystem approach in marine, coastal, and inland waters. COLOMBIA emphasized the need to carry out further studies on the impacts of ocean noise, and apply the ecosystem approach together with the precautionary principle to address all sectors of ocean activity. On the institutional structure of oceans governance, CANADA noted the difficulty of linking international and domestic government bodies. AUSTRALIA underscored the need for sectoral coordination and updating RFMO arrangements to take into consideration ecosystem approaches.

On high seas governance, the EU advocated the establishment of an UNCLOS implementation agreement, which would allow for cumulative assessment across different sectors. He called for continuation of the process commenced by the *Ad Hoc* Working Group on marine biodiversity in areas beyond national

jurisdiction and called on the meeting to invite the General Assembly to establish a follow-up process. The DAVID SUZUKI FOUNDATION, on behalf of a number of NGOs, stated that placing a moratorium on high seas bottom trawling until high seas MPAs and effective management regimes can be developed would be in line with the precautionary approach. He supported adopting a new UNCLOS implementing agreement to address all threats to marine biodiversity beyond areas of national jurisdiction.

**GENERAL EXCHANGE OF VIEWS ON AREAS OF CONCERN AND ACTIONS NEEDED:** On threats to marine biodiversity, SIERRA CLUB described the effects of anthropogenic marine noise on marine ecosystems and with the INTERNATIONAL OCEAN NOISE COALITION, called for multilateral efforts to protect ecosystems from noise impacts. NEW ZEALAND and MEXICO supported exploring ways to protect the oceans from noise pollution. SOUTH AFRICA, on behalf of the G77-China, urged consideration of waste dumping, transboundary movement of hazardous waste, and pollution.

On implementing the ecosystem approach, CHILE cautioned against imposing short deadlines, emphasizing the need for adequate planning and resources. NAMIBIA favored a regional approach to the ecosystem-based management of oceans, while recognizing that RFMOs can be undermined by lack of participation, and stressed the need to broaden support for the Benguela Current LME Programme. The G77-CHINA noted that ecosystem approaches should take into account environmental, social and economic factors; the need for precaution; and the specific circumstances of the areas in question. MEXICO said ecosystem approaches should balance sustainable development, conservation, and enhanced quality of life in coastal communities. WWF cautioned that taking ecosystem considerations into account is not enough, and that management must maintain ecosystem integrity. GREENPEACE stated that resource users should prove that commercial activities will not have adverse impacts on ecosystems. The INTERNATIONAL COLLECTIVE IN SUPPORT OF FISHWORKERS underscored the need to include all traditional and artisanal fishers when establishing MPAs and called on States to enact bans on bottom trawling in their EEZs. VENEZUELA noted the relevance of the CBD and the UNFCCC to oceans management. The INTERNATIONAL TRANSPORT WORKERS FEDERATION called for the establishment of criteria to determine the genuine link between a flag State and a vessel. The PERMANENT COMMISSION FOR THE SOUTH PACIFIC emphasized the need for more coordination and cooperation at the regional level. The US announced the creation of an MPA along the Northwestern Hawaiian Islands.

On capacity building, the BAHAMAS underscored the importance of information sharing by States that have knowledge relevant to achieving integrated management. SAMOA called for capacity building and technology transfer for implementing the ecosystem approach. The INTERNATIONAL OCEAN INSTITUTE (IOI) highlighted its capacity building programmes.

On high seas governance, NEW ZEALAND, the G77-CHINA and the NRDC supported the EU proposal to continue the work of the *Ad Hoc* Working Group on marine biodiversity beyond areas of national jurisdiction. The US did not support the development of a new UNCLOS implementation instrument, noting that effective management can be achieved by strengthening existing organizations and creating RFMOs

in areas where they do not exist. ARGENTINA, supported by the NRDC, stressed that RFMOs do not provide the solution to high seas governance as they are not representative of the international community, and recommended that an international institutional framework be developed to apply to every State whose activities impact upon high seas ecosystems. The G77-CHINA underscored the need for the General Assembly to address bottom trawling at its 61st session. JAPAN and the REPUBLIC OF KOREA opposed adopting a moratorium on high seas bottom trawling, noting that such a measure would not be based on sound scientific evidence. PALAU, GREENPEACE, WWF, IUCN, and the IOI supported a moratorium on high seas bottom trawling, and THAILAND and GREENPEACE called for an UNCLOS implementing agreement to enable creation of a global network of non-extractive marine reserves and a comprehensive regulatory regime for the high seas. The SEA TURTLE RESTORATION PROJECT called for a moratorium on long-line fishing to save the Pacific leatherback turtle.

**ISSUES THAT COULD BENEFIT FROM ATTENTION IN FUTURE WORK OF THE GENERAL ASSEMBLY:** Co-Chair Maqueira invited delegates to submit to UN-DOALOS written suggestions on issues for further consideration.

#### **FRIENDS OF THE CO-CHAIRS GROUP**

The Group met during lunchtime and in the evening to continue drafting elements to be suggested to the General Assembly for consideration. The discussion focused on, *inter alia*: the objectives of ecosystem-based management; the relationship between humans and ecosystems; the need to consider the rights of coastal States; and modalities for achieving cooperation to manage areas beyond national jurisdiction. On the objectives of ecosystem approaches, some participants considered that management should maintain ecosystem integrity, while others stressed that it should aim to ensure sustainable resource use and development. On existing instruments relevant to the application of ecosystem approaches, participants agreed on text noting UNCLOS and its implementing Agreements, the WSSD commitments, and the CBD. Drafting work continued into the evening.

#### **IN THE CORRIDORS**

As the friends of the Co-Chairs group pursued its work, the question of its inclusiveness was on some participants' minds. While in plenary Co-Chair Ridgeway underlined the open-ended nature of the group, one delegate noted its increasing resemblance to a formal drafting committee and regretted that the voice of NGOs was being muffled. However, other delegates argued that the group's "open door policy" was the very definition of inclusion. Either way, despite Co-Chair Ridgeway's effort to make the group as effective as possible by extending the evening session and calling on participants to be disciplined, one participant mourned the long evening ahead and the potentially even longer day to come. This was one voice amidst the buzz of speculation over whether the debate would hit rough waters on Friday. Perhaps one way to achieve smooth sailing would be for participants to respond to the Co-Chairs' call for "casual Friday" by adopting flexible attitudes as well as a relaxed dress code.

**ENB SUMMARY AND ANALYSIS:** The *Earth Negotiations Bulletin* summary and analysis of the Seventh Session of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea will be available on Monday, 19 June 2006 online at: <http://www.iisd.ca/oceans/icp7/>