

## EIGHTH MEETING OF THE UNITED NATIONS OPEN-ENDED INFORMAL CONSULTATIVE PROCESS ON OCEANS AND THE LAW OF THE SEA: 25-29 JUNE 2007

The eighth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (Consultative Process or ICP) opens today, 25 June 2007, at UN headquarters in New York, and will continue until 29 June 2007. During the week, delegates are expected to: exchange views on areas of concern and actions needed, including on issues discussed at previous meetings; discuss cooperation and coordination on oceans issues, particularly as they relate to marine genetic resources; and identify issues that could benefit from attention in future work of the General Assembly on oceans and the law of the sea. A discussion panel will be held to consider marine genetic resources. Recommendations from the meeting will be forwarded to the General Assembly at its 62nd session for consideration under its agenda item entitled "Oceans and the law of the sea."

### A BRIEF HISTORY OF THE LAW OF THE SEA AND THE CONSULTATIVE PROCESS

On 1 November 1967, Malta's Ambassador to the UN, Arvid Pardo, asked the nations of the world to recognize a looming conflict that could devastate the oceans. In a speech to the General Assembly, he called for "an effective international regime over the seabed and the ocean floor beyond a clearly defined national jurisdiction." The speech set in motion a process that spanned 15 years and saw the creation of the UN Seabed Committee, the signing of a treaty banning nuclear weapons on the seabed, the adoption of a declaration by the General Assembly that all resources of the seabed beyond the limits of national jurisdiction are the common heritage of mankind, and the convening of the Stockholm Conference on the Human Environment. These were some of the factors that led to the convening of the Third UN Conference on the Law of the Sea during which the UN Convention on the Law of the Sea (UNCLOS) was adopted.

**UNCLOS:** Opened for signature on 10 December 1982, in Montego Bay, Jamaica, at the third UN Conference on the Law of the Sea, UNCLOS sets forth the rights and obligations of states regarding the use of the oceans, their resources, and the protection of the marine and coastal environment. UNCLOS entered into force on 16 November 1994, and is supplemented by the 1994 Deep Seabed Mining Agreement and the 1995 Agreement for the Implementation of the Provisions of

UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA).

**UNCED:** The United Nations Conference on Environment and Development (UNCED) was held in June 1992, in Rio de Janeiro, Brazil. Chapter 17 of Agenda 21, the programme of action adopted in Rio, addresses "the protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources." This remains the fundamental programme of action for achieving sustainable development of oceans and seas.

**UNGA RESOLUTION 54/33:** On 24 November 1999, the General Assembly adopted resolution 54/33 on the results of the review undertaken by the Commission on Sustainable Development at its seventh session on the theme of "Oceans and seas." In this resolution, the General Assembly established an open-ended informal consultative process to facilitate the annual review of developments in oceans affairs. The General Assembly decided that the Consultative Process would consider the Secretary-General's annual reports on oceans and the law of the sea, and suggest particular issues to be considered by the General Assembly, with an emphasis on identifying areas where intergovernmental and interagency coordination and cooperation should be enhanced. The resolution further established the framework within which meetings of the Consultative Process would be organized, and decided that the General Assembly would review the effectiveness and utility of the Consultative Process at its 57th session.

**ICP-1 to 3:** The first three meetings of the Consultative Process were co-chaired by Tuiloma Neroni Slade (Samoa) and Alan Simcock (UK). Each meeting identified issues to be suggested and elements to be proposed to the General Assembly, and highlighted issues that could benefit from attention in its future work. The first meeting of the Consultative Process (30 May-2 June 2000, New York) held discussion panels addressing fisheries, and the impacts of marine pollution and degradation. The second meeting of the Consultative Process (7-11 May 2001, New York) focused on marine science and technology, and coordination and cooperation in combating piracy and armed robbery at sea. The third meeting of the Consultative Process (8-15 April 2002, New York) held discussion panels on the protection and preservation of the marine environment, capacity building, regional cooperation and coordination, and integrated oceans management.

**WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT:** The World Summit on Sustainable Development (WSSD) (26 August - 4 September 2002, Johannesburg, South Africa) negotiated and adopted

two main documents: the Johannesburg Plan of Implementation (JPOI) and the Johannesburg Declaration on Sustainable Development. Among the 11 chapters of the JPOI, which provide a framework for action to implement sustainable development commitments, Chapter IV on “Protecting and Managing the Natural Resource Base of Economic and Social Development” contains several paragraphs on the sustainable development of oceans that address, *inter alia*: water pollution prevention for the protection of ecosystems; improved cooperation and coordination on oceans and coastal issues within the UN system; and the application by 2010 of the ecosystem approach to marine areas.

**UNGA RESOLUTION 57/141:** On 12 December 2002, the 57th session of the General Assembly adopted resolution 57/141 on “Oceans and the law of the sea.” The General Assembly welcomed the previous work of the Consultative Process, extended it for an additional three years, and decided to review the Consultative Process’ effectiveness and utility at its 60th session.

**ICP-4 and 5:** These two meetings were co-chaired by Philip Burgess (Australia) and Felipe Paolillo (Uruguay). The fourth meeting of the Consultative Process (2-6 June 2003, New York) adopted recommendations on safety of navigation, the protection of vulnerable marine ecosystems, and cooperation and coordination on oceans issues. The fifth meeting of the Consultative Process (7-11 June 2004, New York) adopted recommendations on new sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction.

**ICP-6:** The sixth meeting of the Consultative Process (6-10 June 2005, New York), co-chaired by Philip Burgess (Australia) and Cristián Maquieira (Chile), adopted recommendations on fisheries and their contribution to sustainable development, and considered the issue of marine debris.

**ICP-7:** The seventh meeting of the Consultative Process (12-16 June 2006, New York), co-chaired by Lori Ridgeway (Canada) and Cristián Maquieira (Chile), enhanced understanding of ecosystem-based management, and adopted recommendations on ecosystem approaches and oceans.

### INTERSESSIONAL HIGHLIGHTS

#### SECOND INTERGOVERNMENTAL REVIEW OF THE GLOBAL PROGRAMME OF ACTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT FROM LAND-BASED ACTIVITIES:

The Second Intergovernmental Review (IGR-2) Meeting of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA) took place in Beijing, China, from 16-20 October 2006. Delegates addressed several key issues, including: the way forward with National Plans of Action; a review of accomplishments in GPA implementation from 2001 to 2006; and Guidance for the Implementation of the GPA 2007-2011. The outcomes of the meeting include: a Chair’s summary of the high-level discussions; a report of the meeting; and the Beijing Declaration on Furthering the Implementation of the GPA.

**UNGA RESOLUTION 61/222:** On 20 December 2006, the 61st session of the General Assembly adopted resolution 61/222 on “Oceans and the law of the sea,” calling on states to take actions on, *inter alia*: protection and preservation of the marine environment; addressing destructive practices that impact marine biodiversity and ecosystems; and increasing marine scientific research in accordance with UNCLOS. The General Assembly also requested the Secretary-General to convene the eighth meeting of the Consultative Process from 25-29 June 2007. The General Assembly recommended that ICP-8 organize its discussions around the theme of “Marine genetic resources,” and the ninth meeting in 2008 focus its discussions on “Maritime security and safety.”

#### TWENTY-SEVENTH SESSION OF THE FAO COMMITTEE

**ON FISHERIES:** The twenty-seventh session of the Committee on Fisheries (COFI) was held in Rome from 5-9 March 2007. The Committee reviewed issues of an international character and the programme of work of FAO in fisheries and aquaculture. In addition to the further work to facilitate and ensure the implementation of the Code of Conduct for Responsible Fisheries and its International Plans of Action, COFI welcomed the pending submission of a general multi-year programme of work on genetic resource management in fisheries and aquaculture.

The Committee, *inter alia*, encouraged member states to join or cooperate with the voluntary International Monitoring, Control and Surveillance Network and to develop a new legally-binding instrument on port state measures to combat illegal, unreported and unregulated (IUU) fishing.

#### FIRST MEETING OF THE GROUP OF EXPERTS FOR THE ASSESSMENT OF ASSESSMENTS OF THE REGULAR PROCESS FOR GLOBAL REPORTING AND ASSESSMENT OF THE STATE OF THE MARINE ENVIRONMENT, INCLUDING SOCIOECONOMIC ASPECTS:

The first meeting of the Group of Experts was held at UNESCO headquarters in Paris, France from 28-30 March 2007. The Group of Experts discussed and developed the overall working approach for the “Assessment of Assessments.” They also considered and developed an annotated outline, a work plan and timetable, and considered the utility of the survey and database for the “Assessment of Assessments.”

**ICP INFORMAL PREPARATORY MEETING:** An informal preparatory meeting for ICP-8 was held at UN headquarters in New York on 30 March 2007. Following this meeting and consultations with country delegations, a draft format and provisional agenda for the meeting was prepared (A/AC.259/L.8).

#### SIXTH INFORMAL CONSULTATIONS OF STATES PARTIES TO THE UNFSA:

The sixth round of Informal Consultations of States Parties to UNFSA convened from 23-24 April 2007, at UN headquarters in New York. Participants considered implementation of the Agreement, progress in the implementation of the outcomes of the Review Conference of the Agreement, and preparatory steps for the resumption of the Review Conference. A side event on recommended criteria for reviewing the performance of Regional Fisheries Management Organizations (RFMOs) made progress towards drafting a list of suggested criteria for RFMO review.

**CITES COP14:** CoP14 of the Convention on International Trade in Endangered Species in Wild Fauna and Flora convened from 3-15 June 2007, in The Hague, the Netherlands. Delegates, *inter alia*: agreed to a new Strategic Vision for CITES, and listed sawfishes and eels on the CITES appendices. Proposed listings of pink and red corals and two shark species were narrowly rejected.

#### ELEVENTH REGULAR SESSION OF THE COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE:

The eleventh Regular Session of the Commission on Genetic Resources for Food and Agriculture (CGRFA-11) met from 11-15 June 2007 and discussed among other things biodiversity-related matters, including aquatic genetic resources. In the meeting’s report, the Commission requested that coverage of aquatic genetic resources under the Multi-Year Programme of Work be undertaken with, *inter alia*, the FAO Committee on Fisheries, the CBD, and the UN informal consultative process on oceans and the law of the sea. The Commission agreed that improving the collection and sharing of information on aquatic genetic resources is a high priority.