

## ICP-9 HIGHLIGHTS: THURSDAY, 26 JUNE 2008

On Thursday morning, delegates to the ninth meeting of the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea (Consultative Process or ICP-9) reconvened in a discussion panel on maritime security and safety to briefly address issues related to enhancing cooperation, coordination and integration, and increased capacity building. Delegates then reconvened in plenary for a general exchange of views on areas of concern and actions needed. In the afternoon, delegates discussed inter-agency cooperation and coordination, addressed issues that could benefit from attention in the UN General Assembly's future work, and heard a preliminary round of comments on the Co-Chairs' paper on possible elements to be suggested to the UN General Assembly.

### DISCUSSION PANEL ON MARITIME SECURITY AND SAFETY

**ENHANCING COOPERATION, COORDINATION AND INTEGRATION, AND INCREASING CAPACITY BUILDING: Presentations:** Marc Mes, Transport Canada, outlined Canada's international maritime security efforts, which have focused on establishing international maritime transportation security standards, implementing capacity building initiatives in developing countries, and sharing maritime security best practices. He outlined Canada's involvement in contributing to the IMO International Maritime Security Trust Fund and establishing a Canada-Americas Port Security Assistance Program; participating in the IMO's Maritime Safety Committee and Maritime Security Working Group; and assisting Asia-Pacific Economic Cooperation (APEC) economies to develop the capacity to effectively implement the ISPS Code.

**Discussion:** One participant noted the difficulty of implementing the ISPS Code in developing countries, and many delegates welcomed Canada's and other countries' contributions to capacity building programmes, such as the IMO's International Maritime Security Trust Fund and an integrated Coast Guard network in West and Central Africa. Another participant suggested APEC should help member economies ratify the 2003 Seafarers' Identity Documents (Revised).

Mes said the APEC Maritime Security Experts Sub-Group is addressing the ratification and implementation of the ILO Convention in member economies. He noted the upcoming five year review of the ISPS Code by the IMO Maritime Safety Committee and referenced opportunities to forward lessons learned from the APEC region into the review process.

### PLENARY

**EXCHANGE OF VIEWS ON AREAS OF CONCERN AND ACTIONS NEEDED:** VENEZUELA, CHINA, IRAN and ARGENTINA highlighted the link between maritime

security and safety and sustainable development. On links between IUU fishing and transnational organized crime, CHINA emphasized the distinct legal regimes of the two activities. He also noted the importance of maintaining the balance of the international community's interests as reflected in existing legal regimes with respect to, *inter alia*: sovereignty over territorial waters; jurisdiction over the continental shelf; and jurisdiction of flag and port states. ARGENTINA expressed concern over the condition of fisheries resources, emphasizing the seriousness of IUU fishing. However, he disagreed that IUU fishing is closely linked to transnational organized crime, explaining that not all IUU fishing contravenes international law. He added that even in the case of illegal fishing, it would not be wise to associate the practice with transnational organized crime.

CUBA expressed concern over the adverse effects of IUU fishing on the marine environment and human security, but did not believe any link existed between this practice and maritime security. KENYA noted that piracy incidents off the Somali coast initially related to demands for lost earnings from IUU fishing, and said IUU fishing must be halted through an international framework in order to ensure lasting maritime security. INDIA stressed IUU fishing's contribution to food insecurity and the RUSSIAN FEDERATION recommended considering FAO's Technical Consultation on IUU fishing before addressing the issue during the ICP.

GREENPEACE underscored the threat of IUU fishing, noting that combating "pirate fishing" would not only benefit the environment, but also human rights, poverty alleviation and food security. IUCN supported developing a minimum agreed standard of port state measures to tackle IUU fishing and building developing country capacity to better police coastal zones to combat IUU fishing.

On renewing the ICP's mandate, ARGENTINA called for it to be revisited annually. IRAN said the Consultative Process should focus on sustainable development issues, as provided for in Agenda 21 and by the General Assembly. IUCN and the RUSSIAN FEDERATION supported continuing the ICP, with the IUCN highlighting its usefulness, uniqueness, and stimulating dialogue with civil society.

ARGENTINA, supported by the NRDC and ITF, recommended addressing flag state performance and compliance as a future ICP topic, and Tonga, on behalf of PACIFIC ISLANDS FORUM GROUP, suggested addressing the impacts of climate change on oceans at ICP-10. The SOLOMON ISLANDS noted challenges in patrolling its vast sea area and stressed the impacts of climate change on its fragile ecosystem.

IRAN expressed concern over: illegitimate unilateral initiatives on maritime security; and negative economic impacts of new security measures on developing countries. He called for robust action on land to suppress piracy and other criminal activities at sea.

The PACIFIC ISLANDS FORUM GROUP said safety at sea, particularly for small fishing boats, remains a large concern since the majority of local communities fish on a subsistence basis. Noting the increasing number of incidents of piracy and armed robbery, INDIA said that ReCAAP is an important model that could be replicated in other areas. MALTA noted its commitment to implement international regulations concerning search and rescue at sea. SINGAPORE underscored enhanced maritime security in the Straits of Malacca and Singapore through joint efforts and patrols.

SENEGAL identified its efforts to combat clandestine migration, and recommended a cooperative approach from origin countries to confront this issue. TRINIDAD AND TOBAGO stressed the need for capacity building and technical assistance in developing countries, but underscored that these efforts must not undermine sovereignty of recipient states. CANADA reiterated the need to focus efforts on building regulatory capacity, technical assistance, training and partnerships.

IUCN supported establishing marine protected areas in the Arctic, and with NRDC, advocated regulating shipping in the Arctic, which has intensified due to climate change and the receding polar ice cap. The SIERRA CLUB, with IUCN, called attention to the damaging impacts of noise pollution on the marine environment. She urged regulating activities such as military sonar, and said the issue of ocean noise should be addressed at ICP-10.

The INTERNATIONAL OCEAN INSTITUTE lamented the failure of UNCLOS to define and mandate a genuine link between vessels and flag states, especially in fishing where the link between flags of convenience and IUU fishing is apparent. ITF said potential security and safety risks should not be underestimated regarding flag state obligations and performance.

The INTERNATIONAL ORGANIZATION FOR MIGRATION discussed its humanitarian efforts related to migrants rescued at sea, such as return assistance, legal counseling and training law enforcement officials. The ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION highlighted how ReCAAP is a positive anti-piracy model and that an African version of the initiative is being considered.

UNEP, with the GROUP OF EXPERTS ON THE SCIENTIFIC ASPECTS OF MARINE ENVIRONMENTAL PROTECTION (GESAMP), stressed that environmental issues, including the issue of climate change, need to be fully integrated into the areas of maritime security and safety.

**INTER-AGENCY COOPERATION AND COORDINATION:** Anne Rogers, UN-Oceans, presented information on activities conducted by UN-Oceans. She explained that the activities are mostly carried out by a number of *ad hoc* task forces, including the Task Force on Biodiversity in Marine Areas Beyond National Jurisdiction, and the recently established Task Force on Marine Protected Areas and Other Area-based Management Tools. She reported on new initiatives such as the "One UN" pilot scheme, where surveys are conducted in a number of countries with marine and coastal operational activities in order to discover the potential for synergies among UN agencies.

Salif Diop, UNEP, introduced the "Assessment of Assessments," a preparatory phase for a regular process for global reporting and assessment of the state of the marine environment, including socioeconomic aspects, and urged states to provide financial contributions. Alan Simcock, Policy and Economics Consultant, presented the "Assessment of Assessments" Progress Report (20 June 2008), providing details about the three phases under the programme of work on: assemblage and evaluation of existing assessments; analysis of the evaluations; and framework development. He said that the completed "Assessment of Assessments" will be published in 2009.

In the ensuing discussion, Diop said the document will be submitted for peer review, with Rogers stating that all the reports will be posted on the Assessment's website.

**ISSUES THAT COULD BENEFIT FROM ATTENTION IN FUTURE WORK OF THE GENERAL ASSEMBLY:**

CANADA suggested the topic of oceans and climate change for ICP-10, noting its timeliness, and emphasized the need to renew ICP's mandate, especially since oceans will not be discussed by the Commission on Sustainable Development until 2014. SOUTH AFRICA, with AUSTRALIA, agreed that lack of consensus does not diminish the Consultative Process's utility and importance. He suggested that future ICP sessions should focus on oceans and sustainable development, including its social, environmental and economic aspects, and ways to achieve the MDGs.

AUSTRALIA supported the suggestion that ICP-10 focus on oceans and climate change, noting it could be combined with another topic. BRAZIL supported reviewing the ICP's mandate annually and concentrating on issues relevant to sustainable development.

BENIN stressed the need to mitigate climate change's negative impacts on the lives of coastal peoples, notably fishers. Underscoring the importance of the ICP, BARBADOS hoped its mandate would be renewed and requested that future topics concentrate on oceans and sustainable development, with a specific suggestion of oceans and transportation.

Co-Chair Ridgeway noted that, while states decide on whether ICP's mandate should be reviewed annually, she believes that having extra lead time helps ensure a meeting's success.

**CONSIDERATION OF ELEMENTS TO BE SUGGESTED TO THE GENERAL ASSEMBLY:** The G-77/CHINA, supported by SOUTH AFRICA and others, expressed concern over the length of the draft elements, and called for a more succinct text, with NORWAY suggesting a shorter document would be more useful for the General Assembly. The EU and CANADA expressed general support for the draft elements. The G-77/CHINA said: the paragraph on persons in distress should be given higher priority; any recommendations on marine security and safety should not deviate from the concept of sustainable development; no agreed definition exists for the term "integrated approach"; the concept of harmonizing national legislation lacks clarity and must respect sovereignty; and exclusion of text on impacts of shipment of dangerous goods and harmful chemicals was regrettable.

The US suggested giving more attention to the achievements and role of the IMO. ICELAND called for an international plan of action on the safety of fishers and fishing vessels, and said it would submit a new paragraph on this issue. BARBADOS called for including text on issues related to the transport of nuclear waste, and on pollution of the marine environment, with AUSTRALIA suggesting the latter be referred to in the context of the IMO's work on this issue. NORWAY advocated renewing the ICP and, with ICELAND, supported addressing IUU fishing at ICP-10.

### **IN THE CORRIDORS**

If you're dressed in jeans and a t-shirt while reading these words, perhaps you took Co-Chair Ridgeway's suggestion of a "Casual Friday" a little too literally. Hopefully though, the ties and high heels were left at home in order to create a relaxed and congenial environment, for, as one delegate put it, "Now, the real work begins." With preliminary comments made in plenary Thursday, it became clear that many thought the draft elements proposed by the Co-Chairs were too lengthy. "Short and concise it was not," commented one delegate. Others felt the length of the draft elements ensured a good balance of the issues addressed. Some developing country delegates lamented exclusion of issues critical to them, namely the overarching topic of sustainable development, as well as the need for technology transfer. However, many were optimistic that their concerns would be addressed in Friday morning's draft, as some delegates predicted negotiations may be brief, with many forecasting a bright future for ICP.

**ENB SUMMARY AND ANALYSIS:** The Earth Negotiations Bulletin summary and analysis of ICP-9 will be available on Monday, 30 June 2008, online at: <http://www.iisd.ca/oceans/icp9/>