

## ICP-13 HIGHLIGHTS: 29 MAY 2012

The thirteenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (Consultative Process or ICP-13) opened on Tuesday, 29 May 2012, at UN Headquarters in New York. Delegates convened in plenary in the morning, addressing organizational matters and holding a general exchange of views on the meeting's topic of marine renewable energies (MREs). In the afternoon, a panel focused on MREs: types, uses and roles in sustainable development.

### PLENARY

**OPENING:** Co-Chair Amb. Milan Jaya Meetarbhan (Mauritius) opened ICP-13, noting the theme for this year is part of a wider debate on sustainable development. He highlighted the increased energy demand and the need for more sustainable sources of energy, recalling that this year was proclaimed the International Year of Sustainable Energy for All.

Co-Chair Amb. Don MacKay (New Zealand) highlighted challenges related to: costs; legal framework; financing; and potential environmental impacts of MREs. He underscored their potential for contributing to the energy challenges facing small island developing states (SIDS).

Sha Zukang, Under-Secretary-General for Economic and Social Affairs, recalled the following objectives of the Sustainable Energy for All initiative: universal access to energy; doubling global energy efficiency; and doubling global renewable energy sources, all by 2030.

Highlighting that oceans contain a reservoir of untapped potential, Stephen Mathias, Assistant Secretary-General for Legal Affairs, for the Secretary-General and for Patricia O'Brien, Under-Secretary-General for Legal Affairs and the Legal Counsel, underscored that ICP-13 provides a unique opportunity to enhance awareness of MRE and identify areas for cooperation.

Co-Chair Meetarbhan introduced the annotated provisional agenda (A/AC.259/L.13), which was adopted without amendment. Delegates also agreed to the programme of work.

### GENERAL EXCHANGE OF VIEWS

**MARINE RENEWABLE ENERGIES:** Denmark, for the EU, stressed the importance of technology transfer and capacity building between developed and developing countries, highlighting a potential role for the International Renewable Energy Agency (IRENA) in assisting with this.

Algeria, for G-77/CHINA, expressed satisfaction at the balanced participation of panelists from developed and developing countries, and sought clarification on what the scope and definition of MRE is. Several delegates, including

MALAYSIA, TRINIDAD AND TOBAGO, BRAZIL, the PHILIPPINES, ARGENTINA, and INDONESIA, supported the G-77/CHINA statement.

New Zealand, for the PACIFIC ISLANDS FORUM, highlighted signing the Waiheke Declaration in 2011 for promoting clean and affordable renewable energy.

Federated States of Micronesia, for the PACIFIC SIDS, cautioned of being mindful of social, cultural and environmental impacts of MRE.

MALAYSIA expressed the wish to play a role in advancing discussions on MRE that will have relevance for other developing countries.

BANGLADESH, supporting G-77/CHINA, stressed the constraints it faces in using oceans to enhance its development, given its limited coastline. He expressed support for the Millennium Development Goals and discussions of sustainable development goals within the UN Conference on Sustainable Development's (UNCSD or Rio+20) preparatory process. Supported by CHINA, SOUTH AFRICA and FIJI, he stressed the need for coordination and cooperation to ensure capacity building and technology transfer. With CHINA and SOUTH AFRICA, he noted the role MREs can play in creating co-benefits, such as jobs and energy security. SOUTH AFRICA, supporting G-77/CHINA, added that these energy sources should be developed in ways that do not negatively affect wildlife and seascapes. CHINA stated that countries should set their own goals for the planned development of MREs.

FIJI, supporting G-77/CHINA and the PACIFIC SIDS, noted the opportunity MRE presents for reducing its reliance on fossil fuels and carbon emissions. He stressed the high upfront costs of developing new marine renewables.

JAPAN said countries must cooperate to mobilize markets, technology and finance through public and private mechanisms to promote a low-carbon growth model. She detailed work with IRENA on renewable energy and the US\$13.2 billion that Japan has provided to fast-track finance to support renewable energy-related projects.

MONACO emphasized that the absence of legislation should not discourage states from developing MRE technologies, and provided examples of ways in which MRE has been used domestically.

The US noted that MRE holds large promise for remote areas and SIDS, and provided examples of federal research-and-development support for MRE.

The PACIFIC ISLAND FORUM, VIET NAM and ARGENTINA emphasized the need for technology transfer to developing countries. The PHILIPPINES highlighted the importance of a focus on distributive justice with regards to access to resources and distribution of benefits and burdens.

MOROCCO underlined the importance of: access to energy for all; capacity building and technology transfer; and cooperation on sharing costs and benefits of renewable energy.

PARLIAMENTARY ASSEMBLY OF THE MEDITERRANEAN highlighted its renewable energy-related activities, noting the need for a regulatory framework for public and private investments.

TRINIDAD AND TOBAGO underscored the need to expand research on MRE, stressing that the UN Convention on the Law of the Sea is the legal framework for addressing marine renewables.

Recalling the Secretary-General's Report (A/67/79), BRAZIL noted the potential environmental impacts of MREs, such as: reduction of current speeds; alteration of benthic habitats; noise; and interference with feeding grounds for various species.

IUCN highlighted the benefits of MRE, but observed that all the effects of MRE need to be assessed. He underscored the importance of tools, such as: strategic environmental assessments (SEAs); environmental impact assessments (EIAs); ecosystem-based management (EBM); marine spatial planning (MSP); ecologically or biologically significant areas; and marine protected areas (MPAs).

UN ENVIRONMENT PROGRAMME (UNEP) noted its programmes on renewable energy mostly focus on terrestrial sources, and expressed support for technology transfer of marine renewables. She highlighted UNEP's experience with EIAs, SEAs, MSP and MPAs.

OCEAN CARE and INTERNATIONAL OCEAN NOISE COALITION recognized the need to move towards a "blue economy," but said further research is needed to ensure the impacts of MREs on marine life are minimized.

## DISCUSSION PANEL

### MARINE RENEWABLE ENERGIES: TYPES, USES AND ROLES IN SUSTAINABLE DEVELOPMENT:

**Presentations:** Alain Piquemal, University of Nice Sophia Antipolis, presented an overview of current implementation frameworks for MREs. He noted the need for legal, economic and financial instruments to guarantee investment in and implementation of MRE projects aimed at sustainable development, underscoring the importance of public-private investment. MREs have strategic interest, he said, because they: are more environmentally clean; allow states to expand their energy mix; promote research and development; attract investors; and will generate new jobs. Describing a number of projects being developed globally, he stressed the need for administrative and scientific coordination. Piquemal concluded that while MREs are a small part of renewable energies, oceans cover 70% of the world and are significant in a new era of energy production.

John Huckerby, International Energy Agency's Ocean Energy Systems Implementing Agreement (OES), noted that marine energy resources are widespread and situated close to a third of the world's population, and, because of their high-energy density, make limited demands for space. He stressed that MRE technologies are still immature and that unit costs of generated electricity will shape their further development, adding that environmental impacts are limited, especially for tidal and wave energy. He also provided an overview of several technologies related to waves, currents, ocean thermal energy conversion, salinity gradient power, and hybrid systems.

Jay Batongbacal, University of the Philippines, discussed the implications of MREs for distributive and social justice in the context of sustainable development. Underscoring that distributive justice is at the core of sustainable development, he noted that the focus of the MRE debate has been on

technological innovation rather than on the distribution of benefits and social impacts of these technologies. He proposed the following issues for consideration on MRE: access; distribution of benefits and burdens; and recognition that people might be affected, and their voices need to be heard. He underscored that MRE should be subject to rigorous regulatory scrutiny for potential social impacts, and suggested the adoption of policy tools, such as MRE strategic review.

**Discussion:** Responding to BRAZIL, Batongbacal and Huckerby supported extending the scope and jurisdiction of the International Seabed Authority beyond its current focus on mineral extraction to also cover bio-derived resources. On a question about the world's oldest tidal barrage, La Rance, Piquemal and Huckerby attested that environmental impacts on fish and birds had been minimal.

To questions from Denmark, for the EU, on the transfer of technologies for ocean thermal energy conversion specifically to tropical countries, Huckerby said the pace of development is accelerating, but presently there is little beyond pilot-scale activities. He added that IRENA is a relatively recent organization that does not have great engagement with MRE to date. To the EU's question on examples of best practices, Batongbacal referred to the Philippines' Energy Regulation 1-94, which allocates a percentage of royalties from energy production directly to local communities.

To MONACO's question on MRE's legal component, Piquemal commended Monaco for its Code of the Sea, which integrates all marine issues, and its Governmental Council of the Sea, which plays an important advisory role.

In response to the UK, Piquemal proposed two potential MRE investment policies: setting higher prices for offshore electricity than for land-produced energy, and supporting research and development. Huckerby referred to a recent OES brochure titled "An International Vision for Ocean Energy" for specifics on relevant investment policies and commended the UK for its comprehensive ocean energy policies.

To IUCN's question on maintenance and removal of MRE installations, Huckerby and Piquemal said permits are often awarded on condition that the installation is removed after use, while Batongbacal predicted that, considering the current lack of standards, governments are likely to modify and use the existing offshore installation standards of the International Maritime Organization.

## IN THE CORRIDORS

The thirteenth meeting of the Consultative Process opened at the same time as the third round of 'Informal-Informal' negotiations on the zero draft of the outcome document of Rio+20. The shadow of the Rio+20 negotiations was immediately apparent. Some delegates noted that they would be playing double duty: following the Consultative Process' discussions, but attending the 'Informal-Informal' negotiations when ocean issues arise. Considering the attention given at ICP-12 to the oceans agenda, in the context of Rio+20, this dual focus seems fitting. Moreover, while several participants considered this year's topic – MRE – "uncontroversial," it has already shown some utility in allowing both a fruitful and non-politicized discussion of an important ocean issue, and one that should also allow the week to proceed smoothly at a time when greater energy is being directed towards Rio+20. Nonetheless, the preparation for the upcoming review of the ICP by the General Assembly, and the task of identifying topics for future consideration, provide an opportunity for more lively discussion.