

## UNICPOLOS-7 HIGHLIGHTS: MONDAY, 12 JUNE 2006

The seventh meeting of the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS-7 or Consultative Process) opened on Monday, 12 June 2006, at UN headquarters in New York. Delegates convened in a Plenary session in the morning, addressing organizational matters and exchanging views on areas of concern and actions needed. In the afternoon, a Discussion Panel on ecosystem approaches and oceans was held.

### PLENARY

**OPENING:** Co-chair Lori Ridgeway (Canada) noted the Consultative Process' growing importance on the global agenda, explained that throughout the week participants will address the definition and implementation of ecosystem approaches to oceans management, and stressed the importance of thinking of the ecosystem approach as an "integrating framework" instead of a "paradigm shift."

Co-chair Cristián Maquiera (Chile) emphasized that UNICPOLOS-7 outcomes must be practical and suitable for national implementation.

Vladimir Golitsyn, Director of the UN Division for Ocean Affairs and the Law of the Sea (UN-DOALOS), appealed to delegates to contribute to the Consultative Process' voluntary fund.

Co-chair Ridgeway introduced the meeting agenda, which was adopted without amendment (A/AC.259/L.7).

**EXCHANGE OF VIEWS ON AREAS OF CONCERN AND ACTIONS NEEDED:** On the Consultative Process, many delegates welcomed the three-year renewal of UNICPOLOS' mandate, with AUSTRALIA emphasizing the importance of input from industry, NGOs, intergovernmental organizations, and States.

Many delegates highlighted the importance of ecosystem approaches to oceans management and noted the absence of an internationally-agreed definition of the concept. CANADA underscored that significant progress can be made towards implementation of the ecosystem approach despite the lack of a consensus definition. BRAZIL noted its link to the precautionary principle. NEW ZEALAND and AUSTRALIA suggested that the Consultative Process not attempt to reach agreement on a single definition of the ecosystem approach, preferring to focus on identifying experiences and initiatives that can improve sustainable marine management.

On adopting a holistic approach, AUSTRALIA stated that ecosystem approaches should manage human impacts upon ecosystems, rather than attempt to manipulate ecosystems.

AUSTRIA, on behalf of the EU, called for integrated management of all human activities that risk adversely affecting ecosystems. CHINA called for taking into account political and legal aspects of the ecosystem approach. The RUSSIAN FEDERATION suggested that the ecosystem approach should utilize traditional knowledge and climatic information. ICELAND stressed: the links between the marine ecosystem, food production and human development; and the possible impacts of climate change and chemical pollution on marine biodiversity.

On scientific research, CANADA and CHINA emphasized the need for more targeted research. MEXICO noted a number of initiatives to increase environment information on marine ecosystems.

On the implementation of existing instruments, NORWAY underscored that the greatest threats to marine environments occur in areas within national jurisdiction and, with CANADA, called for implementing the existing legal framework.

On governance beyond areas of national jurisdiction, JAPAN stated that discussion on high seas governance should be conducted in accordance with international law and based on scientific data. The REPUBLIC OF KOREA said discussion on moratoria on high seas longline fishing should be based on scientific research and that a moratorium on high seas bottom trawling must be based on verified scientific knowledge. PALAU noted that a lack of knowledge cannot justify inaction, and called for an interim moratorium on bottom trawling in areas where no competent Regional Fisheries Management Organization (RFMO) exists. Noting the existence of a governance gap in areas beyond national jurisdiction, the EU called for an implementing agreement under UNCLOS to provide for the conservation and management of marine biodiversity beyond national jurisdiction, and the establishment of a timely follow-up process to the *Ad Hoc* Open-ended Working Group on marine biodiversity beyond national jurisdiction.

On tools for ecosystem approaches, the EU said oceans management should include: measurable ecosystem objectives; impact assessments; monitoring; the application of precaution; and the use of tools such as integrated coastal zone management and marine protected areas (MPAs). The US underlined her country's promotion of the use of the Large Marine Ecosystem (LME) concept, and said management based on ecosystem considerations is adaptive, collaborative, incremental, geographically specific, and inclusive. BRAZIL noted his country's proposal to establish a whale sanctuary in the South Atlantic. TUVVALU stressed the importance of the protection of marine ecosystems and highlighted the need to *inter alia*: reduce

greenhouse gas emissions to eliminate coral bleaching; develop closure areas to allow tuna stocks to recover; and create shipping exclusion zones. CUBA and NORWAY noted that there are many ways to implement ecosystem approaches, highlighting national and regional differences in biological, economic, geographical, and legal characteristics.

On cooperation and coordination, CHINA suggested addressing the improvement of coordination and cooperation among relevant departments and industries at all levels. PAPUA NEW GUINEA, on behalf of the Pacific Islands Forum, outlined regional initiatives relating to the implementation of the ecosystem approach, noting the Forum's intention of meeting the WSSD deadline. JAPAN stressed the need for enhanced cooperation and coordination between RFMOs. NORWAY called upon RFMOs to address destructive practices and update their mandates to include biodiversity conservation measures and ecosystem approaches. ICELAND called for developing regional capacities where no RFMOs exist and fulfilling existing commitments.

On capacity building, CUBA called for capacity building, technology transfer and greater consideration of developing countries' experiences in implementing ecosystem approaches to marine management. INDONESIA underlined the need to strengthen MPAs through capacity building, partnerships, and sustainable financing schemes.

#### **DISCUSSION PANEL ON ECOSYSTEM APPROACHES AND OCEANS**

**DEMYSTIFYING THE CONCEPT AND UNDERSTANDING ITS IMPLICATIONS:** Salvatore Arico, UNESCO, noted the minimal implementation of the ecosystem approach in open ocean and deep sea environments and highlighted the need for stakeholder analysis in this respect. He said the foundation of the ecosystem approach provides management solutions and emphasized that there is no single way to implement the ecosystem approach. Arico highlighted challenges of making the transition to the ecosystem approach, including integrating the various management approaches into a cohesive plan, and underlined the need to implement the ecosystem approach holistically.

Simon Cripps, World Wildlife Fund (WWF), stressed the need for immediate catalytic steps to implement ecosystem approaches despite the lack of perfect knowledge. He said ecosystem-based management is not a tool for manipulating ecosystems to a lowest common denominator by eliminating natural predators, stressing instead that it restores ecosystem health and therefore restores target fish populations and predators alike. He defined and discussed WWF's approach to ecosystem-based management, highlighting its 12-step practical implementation guidelines as a process starting with the identification of stakeholders through to the development of education and training packages for fishers.

Hiroyuki Matsuda, Yokohama National University, stated that maximum sustainable yield theory ignores the fact that ecosystems are uncertain, changing, and complex. He stressed that a simple model with errors is better than complex ecological modelling. Through mathematical models he demonstrated that: maximum sustainable yield does not guarantee species coexistence; fisheries target switching is a better fisheries management policy approach than not switching; and that adaptive species management is sometimes needed. He called for avoiding catching low stock level and immature fish, catching temporarily dominant fish species, improving selective fishing gear technology, and monitoring both prey and predator species.

Steven Murawski, US National Oceanic and Atmospheric Administration (NOAA), outlined the "Top Ten Myths Concerning Ecosystem Approaches to Ocean Resource

Management." He emphasized that ecosystem approaches have already been extensively defined and implemented in formal and informal ways at national and international levels. Murawski noted that the Global Environment Facility (GEF) - LME Network exemplifies international cooperation to implement ecosystem approaches and currently involves 121 countries and over USD 650 million of GEF funding. He listed MPAs, harvesting restrictions, quotas, temporal and spatial closures, and activity and gear restrictions as potential tools of ecosystem and fisheries management.

**Discussion:** On developing an international framework for the ecosystem approach, AUSTRALIA highlighted the need to examine how to achieve *inter alia*: multi-sectoral management; compliance with regulations; and effective governance. Cripps stated a preference for regional approaches which can reduce complexity and ensure stakeholder involvement. The NATURAL RESOURCES DEFENSE COUNCIL (NRDC) noted that regional ecosystem approaches do not allow for multiple sector analysis.

On the implementation of the ecosystem approach, the EU highlighted the need for a qualitative step forward, based on scientific information and the precautionary principle. The CONVENTION ON BIOLOGICAL DIVERSITY (CBD) highlighted the development of an Ecosystem Approach Sourcebook. Matsuda underlined that benchmarks are indispensable to developing an adaptive approach. The NRDC noted the existence of principles for implementing the ecosystem approach and stressed the need to integrate them to effectively govern all human activities. Cripps advocated pragmatic, simple and adaptive management approaches, rather than excessively detailed and complex models. The DEEP SEA CONSERVATION COALITION (DSCC) noted that the ecosystem approach is about managing human impacts on marine ecosystems and not managing marine ecosystems.

On the information needed for implementing the ecosystem approach, Arico emphasized that it should take into account both scientific and social activities. Murawski emphasized the need for more investment in oceans monitoring. GREENPEACE and WWF underlined that the lack of scientific data does not justify inaction.

On participation in developing ecosystem approaches, the INTERNATIONAL COALITION OF FISHERIES ASSOCIATIONS asked how conflicts between stakeholders may best be dealt with, and Co-chair Ridgeway noted the need for disparate sectors to be brought together to work cooperatively. Cripps noted that industry, conservation and government stakeholders can be brought together by focusing on compatible long term goals.

#### **IN THE CORRIDORS**

As UNICPOLOS-7 opened, delegates were already speculating about the potential for the meeting to avoid the now- notorious Consultative Process "late night Friday syndrome." In that respect, many delegates welcomed the Co-chairs' proposal to start the drafting of the elements that are to be submitted to the General Assembly in a friends of the Co-chairs group on Tuesday. However, some were wary that even an open-ended friends of the Co-chairs group may lead to a less inclusive and consultative result than past years' plenary negotiations - a particular concern given that a strength of UNICPOLOS has been the breadth of stakeholders that contribute to the meeting outcomes.

On a positive note, the lively panel discussions in the afternoon showed that attendees are prepared for an open and well-informed debate and are willing to devote time to tackling complicated issues, despite the potential distraction of World Cup football matches concurrently taking place.