

## **NINTH MEETING OF THE UNITED NATIONS OPEN-ENDED INFORMAL CONSULTATIVE PROCESS ON OCEANS AND THE LAW OF THE SEA: 23-27 JUNE 2008**

The ninth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (Consultative Process or ICP) opened Monday, 23 June 2008, at UN headquarters in New York. 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 maritime security and safety; and identify issues that could benefit from future work of the General Assembly on oceans and the law of the sea. A discussion panel will be held to consider various issues related to maritime security and safety. Recommendations from the meeting will be forwarded to the General Assembly for consideration at its 63rd session.

### **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).

**UNGA RESOLUTION 54/33:** On 24 November 1999, the General Assembly adopted resolution 54/33 on the results of the review undertaken by the UN 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 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 (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 (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.

**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:** 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 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) 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) enhanced understanding of ecosystem-based management, and adopted recommendations on ecosystem approaches and oceans.

**ICP-8:** The eighth meeting of the Consultative Process (25-29 June 2007, New York) discussed oceans issues particularly related to marine genetic resources. Delegates were unable to agree on key language referring to the relevant legal regime for marine genetic resources in areas beyond national jurisdiction and, as a result, no recommendations were adopted. However, a Co-Chairs' summary report was forwarded to the General Assembly for consideration.

### INTERSESSIONAL HIGHLIGHTS

**WORKING MEETING ON MARITIME PIRACY IN THE ASIA-PACIFIC REGION:** The International Criminal Police Organization (INTERPOL), in cooperation with the Korean Coast Guard, organized the Working Meeting that convened from 12-13 July 2007, in Incheon, Republic of Korea. Participants discussed different areas of maritime crimes, including maritime piracy, human smuggling, and drug trafficking, and examined international cooperation in the region.

**ASEAN REGIONAL FORUM (ARF) ROUNDTABLE DISCUSSION ON MARITIME SECURITY ISSUES:** An ARF Roundtable Discussion on Maritime Security Issues convened from 24-25 August 2007, in Bali, Indonesia. Because maritime security threats ignore political boundaries, the Roundtable agreed on, *inter alia*, the importance of addressing the root cause of the problem and employing a comprehensive approach in dealing with maritime security.

**WORKSHOP ON THE ESTABLISHMENT OF AN ASEAN MARITIME FORUM:** On 7-8 September 2007, in Batam Island, Indonesia, this workshop was held to help implement the ASEAN Security Community Programme Areas and Measures of the Vientiane Action Programme, specifically on the promotion of ASEAN maritime security cooperation and the establishment of an ASEAN maritime forum.

**INTERNATIONAL MARITIME ORGANIZATION (IMO) RESOLUTION A.1002 (25):** On 29 November 2007, the 25th session of the IMO adopted resolution A.1002 (25) on "Piracy and armed robbery against ships in waters off the coast of Somalia" calling on, *inter alia*: Somalia to consent to warships or military aircrafts entering its territorial sea when engaging in operations against pirates; states to take a variety of actions in relation to piracy and armed robbery against ships in the waters off the coast of Somalia; and states in the region to conclude and implement a regional agreement to prevent, deter and suppress piracy and armed robbery against ships.

**UNGA RESOLUTION 62/215:** On 18 December 2007, the 62nd session of the General Assembly adopted resolution 62/215 on "Oceans and the law of the sea," calling on states to cooperate to take actions on, *inter alia*, threats to maritime safety and security, including: piracy; armed robbery at sea; smuggling and terrorist acts against shipping, offshore installations and other maritime interests; and preventing operations of substandard vessels.

**SECOND MEETING OF THE REGIONAL COOPERATION AGREEMENT ON COMBATING PIRACY AND ARMED ROBBERY AGAINST SHIPS IN ASIA INFORMATION SHARING CENTRE (ReCAAP ISC) GOVERNING COUNCIL:** The second meeting of the ReCAAP ISC Governing Council met in Singapore from 26-28 February 2008. ReCAAP ISC reported on its achievements in the areas of information sharing and research, capacity building and establishment of cooperative agreements.

**SEVENTH INFORMAL CONSULTATIONS OF STATES PARTIES TO THE UNFSA:** The seventh round of Informal Consultations of States Parties to the UNFSA convened from 11-12 March 2008, at UN headquarters in New York. Participants reviewed progress toward implementation of the Agreement, including outcomes of its 2006 Review Conference. They also considered promoting wider participation to the UNFSA, as well as agreed on recommendations to the 63rd session of the General Assembly.

**ICP INFORMAL PREPARATORY MEETING:** An informal preparatory meeting for ICP-9 was held at UN headquarters in New York on 18 March 2008. Following this meeting and consultations with country delegations, a draft format and provisional agenda was prepared (A/AC.259/L.9).

**FOURTH GLOBAL CONFERENCE ON OCEANS, COASTS AND ISLANDS:** This conference took place in Hanoi, Viet Nam, from 8-11 April 2008. Participants engaged in topic panels and discussion sessions on three major themes, namely: achieving ecosystem management and integrated coastal and ocean management by 2010; climate, oceans and security: addressing impacts on vulnerable ecosystems and in vulnerable coastal communities, especially in small island developing states; and the governance of marine ecosystems and uses in areas beyond national jurisdiction.

**SECOND MEETING OF THE WORKING GROUP ON MARINE BIODIVERSITY BEYOND AREAS OF NATIONAL JURISDICTION:** The second meeting of the Working Group convened from 28 April - 2 May 2008, at UN headquarters in New York. Delegates considered: the environmental impacts of anthropogenic activities on marine biological diversity beyond areas of national jurisdiction; coordination and cooperation among states, as well as relevant intergovernmental organizations and bodies, for the conservation and management of marine biological diversity beyond areas of national jurisdiction; the role of area-based management tools; genetic resources beyond areas of national jurisdiction; and whether there is a governance or regulatory gap, and if so, how it should be addressed.

**UN SECURITY COUNCIL RESOLUTION 1816 (2008):** The UN Security Council adopted Resolution 1816 (2008) condemning acts of piracy and armed robbery off the coast of Somalia on 2 June 2008. The Council decided that states cooperating with Somalia's transitional government would be allowed, for a period of six months, to enter the territorial waters of Somalia and use "all necessary means" to repress acts of piracy and armed robbery at sea, in a manner consistent with relevant provisions of international law.

**THE ELEVENTH SESSION OF THE SUBCOMMITTEE ON FISH TRADE OF THE FAO COMMITTEE ON FISHERIES:** The Eleventh Session of the Subcommittee on Fish Trade met in Bremen, Germany, from 2-6 June 2008. Delegates considered, *inter alia*: technical guidelines for responsible fish trade; market access requirements; minimum requirements for capture fisheries ecolabels; harmonization of catch documentation schemes; and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) issues with respect to the international fish trade.

**EIGHTEENTH MEETING OF STATES PARTIES TO UNCLOS:** The eighteenth Meeting of States Parties to UNCLOS convened from 13-20 June 2008 at UN headquarters in New York. Delegates considered: the report of the International Tribunal for the Law of the Sea to the Meeting of States Parties for 2007 (SPLOS/174); information reported by the Secretary-General of the International Seabed Authority and the Commission on the Limits of the Continental Shelf; and the election of seven members of the International Tribunal for the Law of the Sea.