



# Earth Negotiations Bulletin

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## CSD INTERSESSIONAL WORKING GROUP WEDNESDAY, 3 MARCH 1999

Delegates at the *Ad Hoc* Intersessional Working Group (ISWG) on Oceans and Seas and the Sustainable Development of Small Island Developing States (SIDS) met in the afternoon to consider the Co-Chairs' draft elements for a draft CSD decision on oceans and seas.

### ELEMENTS FOR A DRAFT CSD DECISION ON OCEANS AND SEAS

**GENERAL COMMENTS ON THE TEXT:** The NGO CAUCUS ON OCEANS recommended that the CBD Jakarta Mandate on marine biodiversity be included in the list of achievements on oceans and seas since 1992. He welcomed the inclusion of sustainable fisheries as a major priority for discussion and stressed the need for effective fisheries management systems to ensure the indefinite availability of fish resources. He noted the need to examine the impact of subsidies on national fishing patterns and to consider the reduction and progressive elimination of subsidies that contribute to over-capacity and unsustainable fishing practices. He asked the CSD to allow full participation of all stakeholders, including NGOs, when building on existing arrangements.

The EU said the text provided a good starting point but identified issues that had not been sufficiently covered, including, *inter alia*, the need for: a national integrated approach; sustainable fisheries; international coordination and cooperation; a scientific basis for ocean and coastal zone management; and major group involvement. She said the CSD should encourage governments to strengthen domestic action to develop integrated approaches to oceans and coastal zone management. She stressed that environmental issues must be an integral part of sustainable fisheries management and highlighted the outcome of the recent FAO Committee on Fisheries' work on illegal, unreported and unregulated (IUU) fishing. On the question of international coordination and cooperation, she requested the Secretary-General to bring additional views to CSD-7 on improving the operation of existing UN structures.

AUSTRALIA, supported by NORWAY and CANADA, called for inclusion of a reference to marine protected areas (MPAs) under the section on living marine resources. Supported by NORWAY, he recommended separate sections for marine science and climate change. The G-77/CHINA proposed changing the document's title to "Possible" Elements for a Draft CSD Decision and suggested that the document state that the CSD "could" rather than "should" undertake

the actions proposed throughout the text. Responding, CANADA said he hoped delegations would not go to CSD-7 pretending that the ISWG had not happened.

ICELAND, supported by JAPAN, NORWAY and CANADA, requested sub-headings on action at national, regional and international/global (US) levels. The RIO GROUP welcomed references to El Niño. NEW ZEALAND called for text on coordination and integration of governmental and inter-agency approaches in the section identifying priority areas. Supported by CANADA, he suggested that CSD-7 recommendations include references to previous CSD decisions on these issues. The US called for concrete and specific language for CSD recommendations on sustainable fisheries, entry into force and implementation of relevant agreements and further consultations on institutional issues. The IMO asked for CSD-7 support for international guidelines, recommendations or best practices on land-based sources of marine pollution. The WMO requested a reference to his organization.

**GENERAL CONSIDERATIONS:** The G-77/CHINA and the RIO GROUP requested text noting that Agenda 21 "remains the fundamental programme of action." The EU proposed that action be taken based on the precautionary and polluter pays principles and an ecosystem approach. ICELAND preferred noting that oceans and seas provide vital resources to be used "sustainably" to eradicate poverty, ensure food security and "support economic prosperity and well-being."

**MAJOR CHALLENGES AT THE NATIONAL, REGIONAL AND INTERNATIONAL LEVELS:** On international cooperation to ensure that all States can benefit from the rational use of oceans and seas, the EU proposed replacing "rational" with "sustainable" use. The G-77/CHINA, supported by ICELAND, requested adding "with full respect for the sovereign rights of coastal States." The EU proposed text encouraging the establishment of institutional arrangements for implementing UNCLOS and Agenda 21 at national, regional and international levels. The RIO GROUP and REPUBLIC OF KOREA broadened conservation and management of "fisheries" to "marine living resources." The EU proposed broadening a reference to pollution prevention from land-based activities to include shipping and offshore activities. On national action, ICELAND requested encouraging governments to establish and implement sustainable fisheries management systems. CANADA proposed adding a section on inte-

This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Paola Bettelli <pbettelli@hotmail.com>, Peter Doran <pdoran@ecology.u-net.com>, Laura Ivers <laurai@iisd.org> and Kira Schmidt <kiras@iisd.org>. The Editor is Pamela Chasek, Ph.D. <pam@iisd.org> and the Managing Editor is Langston James "Kimo" Goree <kimo@iisd.org>. The Sustaining Donors of the *Bulletin* are The Netherlands Ministry of Foreign Affairs, the Government of Canada (through CIDA), the United States (through USAID) and the Swiss Agency for Environment, Forests and Landscape. General Support for the *Bulletin* during 1999 is provided by the United Kingdom Department for International Development (DFID), the German Federal Ministry of Environment (BMU) and the German Federal Ministry of Development Cooperation (BMZ), the Danish Ministry of Foreign Affairs, the European Community (DG-XI), the Ministries of Environment and Foreign Affairs of Austria, the Ministries of Foreign Affairs and Environment of Norway, the Ministry of Foreign Affairs and Ministry of Environment of Finland, the Government of Sweden, the United Nations Development Programme (UNDP), the Global Environment Facility (GEF) and the Ministry for the Environment in Iceland. The *Bulletin* can be contacted by e-mail at <enb@iisd.org> and at tel: +1-212-644-0204; fax: +1-212-644-0206. IISD can be contacted by e-mail at <info@iisd.ca> and at 161 Portage Avenue East, 6th Floor, Winnipeg, Manitoba R3B 0Y4, Canada. The opinions expressed in the *Earth Negotiations Bulletin* are those of the authors and do not necessarily reflect the views of IISD and other funders. Excerpts from the *Earth Negotiations Bulletin* may be used in non-commercial publications only and only with appropriate academic citation. For permission to use this material in commercial publications, contact the Managing Editor. Electronic versions of the *Bulletin* are sent to e-mail distribution lists and can be found on the Linkages WWW server at <http://www.iisd.ca/linkages/>. The satellite image was taken above New York City(c)1999 The Living Earth, Inc. <http://livingearth.com>. For information on the *Earth Negotiations Bulletin*, send e-mail to <enb@iisd.org>.



grated management with text calling on the CSD to encourage integrated and ecosystem-based approaches to management and noting that fully functioning natural ecosystems provide long-term benefits.

**National Capacity-Building:** The EU proposed adding the need to assist coastal and island States to sustainably manage their marine resources. NORWAY recommended noting the need to enhance coordination and cooperation in developed countries.

**Regional Capacity-Building:** Regarding cooperation for regional seas management, the G-77/CHINA stressed that cooperation among regional seas programmes be “in the framework of compliance with existing legal regimes.” NORWAY and others preferred not limiting references to regional monitoring systems to those “for climatic variability.”

**International Agreements:** The G-77/CHINA proposed that the CSD invite relevant UN bodies “in accordance with their respective mandates” to review lack of progress in implementation and propose “possible” actions. The RIO GROUP called for review of obstacles that hinder effective implementation. The EU specified reviewing lack of progress in ratification of international agreements. The US advocated a specific call for ratification and entry into force of the Fish Stocks Agreement before the end of 1999.

**AREAS OF CONCERN: Living Marine Resources:** On improving the rational use and management of living marine resources and calling on fisheries conservation and management organizations to apply FAO and UN agreements, the G-77/CHINA proposed adding a paragraph on over-fishing caused by highly industrialized fleets, including a reference to the principle of common but differentiated responsibilities. She proposed emphasizing better consumer information on catches and financial returns to SIDS. The EU suggested changing the section’s title to “Sustainable Fisheries” and proposed using “sustainable” instead of “rational” when referring to use and management of living marine resources. She proposed strengthening the CSD’s work on IUU, including fishing vessels flying “flags of convenience.” The US stated that the CSD should urge action by national governments and regional fishery management organizations to implement FAO technical recommendations to minimize waste and discards and to improve monitoring and enforcement. NEW ZEALAND proposed including a reference to fish stocks being harvested beyond sustainable levels.

The US proposed deleting a paragraph inviting regional fisheries conservation and management organizations to provide information on progress and constraints in implementation of their activities. The EU said these organizations should be referred to as “regional fisheries organizations” and indicated that schemes to improve consumer information on fish catch could be added.

Regarding progress made by FAO in developing draft international guidelines and a plan of action for the management of fishing capacity, the US said the CSD should urge countries to “implement” the FAO Plans of Action for the Management of Fishing Capacity, for the Conservation and Management of Sharks and for Reducing the Incidental Catch of Seabirds in Longline Fisheries. CANADA and NEW ZEALAND emphasized the need for by-catch reductions.

The US, EU, G-77/CHINA, NORWAY and JAPAN proposed deleting a reference to regional “peer review systems” for the improvement of scientific knowledge of fish stocks. ICELAND underscored the importance of collecting information about regional fisheries and stocks of highly migratory species for scientific purposes. CANADA stressed information “analysis” and the need to develop programmes to prevent over-fishing.

The REPUBLIC OF KOREA suggested deleting a reference to progress by the FAO in the area of subsidies in relation to fisheries. The RIO GROUP said the CSD could welcome a FAO decision to undertake further work on subsidies. On schemes to improve

consumer information on practices involved in fish catch, the US said references should be made to existing international principles under the WTO and to possible FAO work on sustainability indicators.

**Land-based Activities:** The G-77/CHINA, the RIO GROUP and NORWAY supported text emphasizing the importance of regional initiatives and UNEP’s Regional Seas Programme. The RUSSIAN FEDERATION and the RIO GROUP suggested that the CSD express concern with “insufficient” progress rather than the “lack of” progress. The US proposed text urging UNEP to complete creation of the GPA coordinating office and, with NORWAY and NEW ZEALAND, said the decision should emphasize GPA implementation.

**Marine Science and Climate Change:** On improving the effectiveness of the Group of Experts on the Scientific Aspects of Marine Protection, ICELAND noted CSD-4’s call to involve governments and to possibly establish an intergovernmental panel. CANADA proposed new text inviting governments and relevant international organizations to address the impact of physical and chemical changes on health, distribution and productivity of living marine resources and on encouraging governments to address the need for oceanic data to underpin decision-making. The RIO GROUP proposed new text outlining CSD steps to address El Niño.

**Other Marine Pollution:** The EU preferred that the export of wastes for the purpose of dumping at sea be “avoided” rather than “better controlled.” The RIO GROUP said environmental aspects of oil and gas operations should be addressed at national and sub-regional as well as regional levels, particularly in the framework of the UNEP Regional Seas Programme. On keeping air pollution from shipping under review, NORWAY preferred a call for strengthened international regulations and the EU a call for ratification of the agreement on control of air pollution from shipping.

**Coral Reefs and Protected Areas:** CANADA proposed replacing text inviting the CBD to accelerate the development of a global representative system of MPAs with language encouraging the application of MPAs and other appropriate tools to ensure biodiversity conservation and marine ecosystem health. AUSTRALIA supported this proposal and added text on encouraging States and regional intergovernmental organizations to continue developing a system of MPAs consistent with the CBD Jakarta Mandate. JAPAN also supported a more general reference to MPAs. The US preferred supporting MPAs as a management tool undertaken within the context of UNCLOS and recommended emphasizing the particular impact of land-based sources of marine pollution on reefs and MPAs.

## IN THE CORRIDORS

Concerted attempts are to be made to build a bridge between the preparation of issues at the ISWG and negotiations at CSD-7. Observers report that the Secretariat is planning to maintain informal contacts with a number of delegations in the weeks leading up to CSD-7 to focus work during the interim on the documents prepared at the ISWG in an attempt to avoid starting the April deliberations completely from scratch.

## THINGS TO LOOK FOR TODAY

**ISWG:** The ISWG will meet at 10:00 am in Conference Room 4 to complete its discussion on elements for a draft CSD decision on oceans and seas, consider the Co-Chairs’ summary of discussion on oceans and seas, and hear general comments on the draft Co-Chairs’ proposals for the CSD’s contribution to the Special Session to review implementation of the Barbados Programme of Action for the Sustainable Development of SIDS.

**INFORMAL CONSULTATIONS:** Informal consultations on the draft Co-Chairs’ proposals for the CSD’s contribution to the Special Session will be held at 3:00 pm in Conference Room 6.