



## FOURTH MEETING OF THE OPEN-ENDED INFORMAL CONSULTATIVE PROCESS ON OCEANS AND THE LAW OF THE SEA: 2-6 JUNE 2003

The fourth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (Consultative Process) opens today at UN headquarters in New York and will continue until 6 June 2003. Delegates will convene in plenary sessions on Monday and Friday (2 and 6 June) to exchange views on areas of concern and actions needed, particularly in matters of cooperation and coordination on oceans issues, and identify issues for further consideration by the General Assembly. The Meeting is also expected to agree upon a draft text on elements to be suggested to the General Assembly for its consideration under its agenda item entitled "Oceans and the law of the sea." In addition, two discussions panels will be held from Tuesday to Thursday (3-5 June) to consider safety of navigation, including capacity building for the production of nautical charts, and the protection of vulnerable marine ecosystems.

### A BRIEF HISTORY OF THE LAW OF THE SEA AND THE OPEN-ENDED INFORMAL CONSULTATIVE PROCESS

**UNCLOS:** Opened for signature on 10 December 1982, in Montego Bay, Jamaica, at the Third United Nations Conference on the Law of the Sea, the UN Convention on the Law of the Sea (UNCLOS) sets forth the rights and obligations of States regarding the use of the oceans and their resources, and provides the international framework for the protection of the marine and coastal environment and the sustainable use of its resources. UNCLOS, which entered into force on 16 November 1994, marked the culmination of over a decade of work involving more than 160 countries. The Convention comprises 320 articles and nine Annexes. It provides for a mechanism for the settlement of disputes, and is supplemented by the 1994 Agreement on the Implementation of Part XI of UNCLOS (deep-sea mining), 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. Since the entry into force of

UNCLOS, three international bodies have been established, namely the International Seabed Authority, the International Tribunal for the Law of the Sea, and the Commission on the Limits of the Continental Shelf.

**UNCED:** The United Nations Conference on Environment and Development (UNCED), was held in June 1992 in Rio de Janeiro, Brazil. Chapter 17 of Agenda 21, the programme of action adopted in Rio, addresses "the protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources." This remains the fundamental programme of action for achieving sustainable development of oceans and seas.

**UNGA RESOLUTION 54/33:** On 24 November 1999, the General Assembly adopted Resolution 54/33 (A/RES/54/33) on the results of the review undertaken by the Commission on Sustainable Development at its seventh session on the theme of "Oceans and seas." In this Resolution, the General Assembly decided to establish an open-ended informal consultative process in order to facilitate the annual review of developments in ocean 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 inter-agency 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, at its 57th session, review the effectiveness and utility of the Consultative Process.

**MEETINGS OF THE OPEN-ENDED INFORMAL CONSULTATIVE PROCESS:** The Open-ended Informal Consultative Process was established to conduct three interrelated tasks: study developments in ocean affairs consistent with the legal framework provided by UNCLOS and the goals of Chapter 17 of Agenda 21; identify particular issues to be considered by the General Assembly, against the backdrop of overall developments

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of all relevant ocean issues; and place emphasis on areas where intergovernmental and inter-agency coordination and cooperation should be enhanced.

The first three meetings of the Consultative Process were co-chaired by Tuiloma Neroni Slade (Samoa) and Alan Simcock (UK). Each meeting identified issues to be suggested, and elements to be proposed, to the General Assembly, and highlighted issues that could benefit from attention in the future work of the General Assembly. The first meeting of the Consultative Process was held in New York from 30 May to 2 June 2000, with two discussion panels addressing fisheries, and the economic and social impacts of marine pollution and degradation. The second meeting of the Consultative Process took place from 7-11 May 2001, with discussion panels considering marine science and the development and transfer of marine technology, and coordination and cooperation in combating piracy and armed robbery at sea. The third meeting of the Consultative Process convened from 8-15 April 2002, with a focus on: the protection and preservation of the marine environment; and capacity building, regional cooperation and coordination, and integrated ocean management.

### INTERSESSIONAL HIGHLIGHTS

#### WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT

**MENT:** The World Summit on Sustainable Development (WSSD) convened from 26 August to 4 September 2002 in Johannesburg, South Africa. The WSSD negotiated and adopted two main documents: the *Plan of Implementation* and the *Johannesburg Declaration on Sustainable Development*. Designed as a framework for action to implement sustainable development commitments, the *Plan of Implementation* contains chapters on: poverty eradication; consumption and production; the natural resource base; globalization; health; small island developing States; Africa; other regional initiatives; means of implementation; and an institutional framework for sustainable development. Chapter IV on Protecting and Managing the Natural Resource Base of Economic and Social Development contains several paragraphs (30-36) on the sustainable development of oceans. These paragraphs address: sustainable fisheries; the advancement of implementation of programmes relating to the protection of the marine environment against pollution from land-based activities; the promotion of conservation and management of oceans; the enhancement of maritime safety and protection of the marine environment from pollution; and the improvement of scientific understanding and assessment of marine and coastal ecosystems as a fundamental basis for sound decision-making.

**COMMEMORATION OF THE 20TH ANNIVERSARY OF THE OPENING FOR SIGNATURE OF UNCLOS:** On 9-10 December 2002, the General Assembly at its 57th session held commemorative meetings on the occasion of the 20th anniversary of the opening for signature of UNCLOS. Delegates held a debate on "Oceans and the law of the sea," convened four informal panels

on "Dynamism of the Convention: Challenges for the present and solutions for the future," and heard presentations on new scientific discoveries related to oceans.

**UNGA RESOLUTION 57/141:** On 12 December 2002, the General Assembly at its 57th session adopted Resolution 57/141 on "Oceans and the law of the sea" (A/RES/57/141). The Resolution welcomes the previous work of the Consultative Process, and extends it for an additional three years, with the aim of reviewing its effectiveness and utility at the 60th session of the General Assembly. The Resolution requests the UN Secretary-General to convene the fourth meeting of the Consultative Process from 2-6 June 2003, and recommends that the meeting discuss the protection of vulnerable marine ecosystems, and safety of navigation, including capacity building for the production of nautical charts.

In response to Resolution 57/141, the UN Secretary-General produced his annual report on "Oceans and the law of the sea" (A/58/65), to be presented at the 58th session of the General Assembly as the Secretary-General's annual comprehensive report on developments and issues relating to oceans and the law of the sea. The Report, which will also form the basis of discussion at the fourth meeting of the Consultative Process, includes information on the status of UNCLOS and its implementing agreements, and addresses the establishment of a mechanism for inter-agency coordination and cooperation. It elaborates on developments regarding the protection of the marine environment and safety of navigation, in particular in relation to the aftermath of the *Prestige* oil spill that occurred in 2002, and identifies two main challenges for the future: to ensure that States comply fully with their obligations under UNCLOS, and that inter-agency cooperation is facilitated and enhanced.

**INFORMAL PREPARATORY MEETING:** An informal preparatory meeting for the Consultative Process was held at UN headquarters in New York on 14 April 2003. Following this meeting and consultations with country delegations, the Co-Chairs of the Consultative Process, Felipe Paolillo (Uruguay) and Philip Burgess (Australia), prepared a draft format and provisional agenda for the fourth meeting of the Consultative Process (A/AC.259/L.4 Annex I and II). The Co-Chairs further set out descriptions of the areas of focus for the two discussion panels (A/AC.259/L.4 Annex III.A and B) on safety of navigation, including capacity building for the production of nautical charts, and on the protection of vulnerable marine ecosystems.

### THINGS TO LOOK FOR TODAY

**OPENING PLENARY:** The Meeting will open at 10:00 am in Conference Room 1. Delegates will convene in Plenary to adopt the agenda and organization of work for the Meeting. Following consideration of procedural matters, the Plenary will meet throughout the day to address the need to improve intergovernmental and inter-agency coordination and cooperation, and consider specific actions to meet such needs.