



HIGHLIGHTS FROM THE FOURTH MEETING OF THE CONSULTATIVE PROCESS: MONDAY, 2 JUNE 2003

The fourth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (Consultative Process) opened on Monday, 2 June 2003 at UN headquarters in New York. Delegates convened in an opening plenary in the morning to approve the format of the Meeting and adopt its agenda (A/A.C.259/L.4). The Plenary then met throughout the day to hear general statements, including on the need to improve intergovernmental and inter-agency coordination and cooperation. Participants also heard a report on the in-depth evaluation of the programme on the law of the sea and ocean affairs (E/AC.51/2003/3).

OPENING PLENARY

Opening the fourth meeting of the Consultative Process, Co-Chair Felipe Paolillo (Uruguay) highlighted the contribution made by the Process to the general debate on oceans and the law of the sea. Co-Chair Philip Burgess (Australia) urged practical action and outcomes from the meeting, noting the continued degradation of marine and coastal environments. Delegates adopted the meeting's draft format and provisional agenda (A/A.C.259/L.4).

GENERAL STATEMENTS ON AREAS OF CONCERN AND ACTIONS NEEDED

Many delegates congratulated the Co-Chairs on their election, and recognized the contributions made to the Consultative Process by preceding Co-Chairs Tuiloma Neroni Slade (Samoa) and Alan Simcock (UK). Morocco, on behalf of the G-77/CHINA, commended the Process for having revived and focused the debate on the law of the sea and, with others, welcomed the General Assembly's decision to extend the mandate of the Consultative Process. Greece, on behalf of the EUROPEAN UNION (EU), called for progress reports on issues discussed at previous meetings of the Process.

Throughout the Plenary, delegates raised issues relating to: safety of navigation; the protection of the marine environment; intergovernmental and inter-agency cooperation and coordination; ocean affairs in other international fora; the obligations of flag and port States; the ratification of relevant instruments; and capacity building.

Safety of navigation: Several delegates said the International Maritime Organization (IMO) is the competent body for addressing shipping safety and setting uniform pollution standards. The EU, supported by NEW ZEALAND, added that the Consultative Process provides a forum for discussion and consensus building on such issues. The US and JAPAN expressed concern regarding preemptive measures undertaken by some coastal States

in the aftermath of the *Prestige* accident and, with NEW ZEALAND, urged that these be brought in conformity with international law. The Netherlands, on behalf of the CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH-EAST ATLANTIC (OSPAR COMMISSION), stressed the need to address oil spills and their adverse impacts within the framework of the UN Convention on the Law of the Sea (UNCLOS). JAPAN said cooperation is the only legitimate and effective mechanism to implement UNCLOS obligations and objectives. Stressing the need to enforce existing rules, the G-77/CHINA noted that the majority of accidents at sea result from insufficient implementation, rather than inadequate regulation.

Mauritius, on behalf of the ALLIANCE OF SMALL ISLAND STATES (AOSIS), expressed concern regarding the transport of nuclear cargo through the Exclusive Economic Zone of its member States. Fiji, for the PACIFIC ISLANDS FORUM (PIF), supported by NEW ZEALAND, called for innovative arrangements in the field of shipment of radioactive substances. The ARCTIC COUNCIL highlighted oil storage and transportation as a threat to the Arctic region. Several countries, including NEW ZEALAND, MEXICO and the US, highlighted the relationship between ensuring maritime safety and protecting the marine environment.

Protection of the marine environment: Discussions focused on: the impacts of land-based activities; illegal, unreported and unregulated (IUU) fishing; the ecosystem approach; and marine protected areas (MPAs). The PIF underscored the need for protection of vulnerable marine ecosystems, and CHINA called for the formulation of uniform criteria for identifying and protecting such areas, and information sharing to meet this end. MEXICO emphasized the role of the Convention on Biological Diversity (CBD) in the protection of vulnerable marine ecosystems, and the need to include environmental considerations in fishing policies. AUSTRALIA encouraged States to adopt and apply the measures recommended by the UNEP Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA). CANADA and JAPAN highlighted their designation of national MPAs, with CANADA stressing the need for continual support of scientific research and monitoring. The OSPAR COMMISSION outlined its joint activities with the Helsinki Commission, including: identifying threatened species and habitats; setting up a coherent network of MPAs; and adopting an ecosystem approach. Many countries, including ICELAND, the REPUBLIC OF KOREA, MAURITIUS, AUSTRALIA and CANADA, expressed support an ecosystem approach. The RAMSAR CONVENTION outlined its contribution to marine and coastal protection. The UK, on behalf of the INTERNATIONAL CORAL REEF INITIATIVE (ICRI), called on the Consultative

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Process to join ICRI in, *inter alia*: promoting international conservation and management measures; developing partnerships; and promoting an ecosystem approach.

NEW ZEALAND supported incorporating the ecosystem approach into relevant international agreements, stressed the need to address, *inter alia*, legal loopholes and harmful subsidies in fisheries, and said political will is critical to address the problems posed by flags of convenience. IUCN – The World Conservation Union, supported by GREENPEACE, mentioned IUU fishing as one of the greatest threats to marine living ecosystems and urged the international community to assist coastal States in addressing this problem. He further identified the need for upgrading: regional fishery organizations to further the application of the ecosystem approach to fisheries management; existing measures to protect potentially vulnerable deep-sea organisms; and measures to address the problem of invasive species in ballast waters. IUCN, the WORLD WILDLIFE FUND FOR NATURE (WWF) and GREENPEACE underscored protecting marine environments beyond national jurisdiction, with GREENPEACE urging consideration of CBD SBSTTA-8 decision calling for the establishment of MPAs beyond national jurisdiction, and WWF requesting the Consultative Process to facilitate the establishment of a pilot MPA in the high seas. GREENPEACE further noted the threats of climate change and nuclear transport, while WWF and many countries underlined the need for flag State implementation.

UNEP GPA emphasized: consideration of the protection of coastal and marine environments as important components of the sanitation target agreed at the World Summit on Sustainable Development (WSSD); focus by the Commission on Sustainable Development on the link between freshwater management and marine and coastal protection in its upcoming work cycle; and stressed the need for global poverty reduction strategies to emphasize the link between freshwater, coastal zones and marine resources.

Cooperation and coordination: Delegates discussed approaches to intergovernmental and inter-agency cooperation, and addressed the need for a mechanism to replace the former Subcommittee on Oceans and Coastal Areas. CHINA, MEXICO and the US called for enhancing cooperation between all States and relevant international organizations, in particular the IMO and the International Hydrographic Organization. ICELAND, the REPUBLIC OF KOREA, and MAURITIUS called for a global and integrated approach to ocean issues. AUSTRALIA stressed the need to increase international cooperation in reporting. Peru, for the PERMANENT COMMISSION OF THE SOUTH PACIFIC, stressed the need for increased regional and subregional cooperation. Highlighting activities of the Arctic Council, CANADA and ICELAND supported regional cooperation in ocean affairs. While supporting inter-agency coordination, CANADA opposed the creation of a new UN body, and supported Memorandums of Understanding between existing agencies.

The EU welcomed the WSSD target to establish a mechanism for global reporting by 2004 and, with AUSTRALIA, stressed the need to avoid duplication of work. Noting the numerous agreements and UN agencies and bodies addressing ocean affairs, the INTERNATIONAL OCEANOGRAPHIC COMMISSION underlined the need for clear delineation of responsibilities and harmonization of roles to improve oceans governance.

Ocean affairs in other international fora: Many delegates remarked that significant consideration had been paid to oceans and coastal issues at the WSSD. CANADA further noted discussions underway at the G-8 Summit, and highlighted the link made between freshwater and marine and coastal issues at the 3rd World Water Forum, held in Kyoto in March 2003.

Flag and port State obligations: Many delegations expressed concern regarding inadequate implementation by flag States of their obligations. The REPUBLIC OF KOREA said the *Prestige* accident showed the need to enhance port State controls, and CHINA called on the IMO to issue uniform port State control standards. Noting the role of shipping in facilitating human rights

abuses, HUMAN RIGHTS WATCH called for further clarifying flag States' responsibilities, strengthening port State control, investigating and prosecuting crimes at sea, protecting seafarers' and stowaways' rights, and preventing arms transfers by vessels. The International Transport Workers Federation, on behalf of a coalition of NGOs, recommended, *inter alia*, formulating a clear, comprehensive and authoritative list of flag States' obligations and establishing a body to develop an implementing agreement to complement UNCLOS. He said such an agreement should establish criteria to determine the genuine link between a flag State and a vessel.

Ratification of relevant instruments: The EU and G-77/CHINA, with others, urged all States to ratify or accede to UNCLOS. CANADA encouraged the ratification of and compliance to the 1995 Fish Stocks Agreement. The IMO highlighted coherence between its instruments and UNCLOS, and reported on its participation in UNCLOS-related processes and activities undertaken in close cooperation with the UN Division of Ocean Affairs and the Law of the Sea. The FOOD AND AGRICULTURE ORGANIZATION (FAO) outlined relevant FAO instruments and measures, including the Code of Conduct for Responsible Fisheries and the International Plan of Action to Prevent, Deter and Eliminate IUU fishing. The INTERNATIONAL LABOUR ORGANIZATION (ILO) noted the low level of ratification and implementation of ILO conventions on flag States' responsibilities in social matters, reported on the minimum social standards that many flag States fail to enforce, and said these standards should be promoted at national and international levels.

Capacity building: The G-77/CHINA noted the importance of establishing hydrographic surveys and producing and updating nautical charts in enhancing safety of navigation, and requested specialized assistance, partnerships with donor institutions, and the establishment of technical programmes. AOSIS stressed the need for technical assistance and technology transfer, and SUDAN underlined the vulnerability of least developed countries dependent upon marine resources.

REPORT ON THE IN-DEPTH EVALUATION OF THE PROGRAMME ON THE LAW OF THE SEA AND OCEAN AFFAIRS

The Secretariat presented the report on the in-depth evaluation of the programme on the law of the sea and ocean affairs (E/AC.51/2003/3). He highlighted its recommendations, including: strengthening consultations among Secretariats of the treaty system of institutions; promoting universal participation of UNCLOS and its agreements; strengthening regional cooperation; enhancing support to the General Assembly in identifying priority areas, through analysis of new developments; and improving cooperation and coordination within the UN system.

IN THE CORRIDORS

The meeting opened on a positive note with many participants expressing support for the Consultative Process and the extension of its mandate. Speculating on key issues likely to be the focus of delegates' attention over the coming week, some participants noted that the debate on vulnerable marine ecosystems and capacity building for the production of nautical charts may be overshadowed by other issues such as flag State implementation, which one participant noted is the fundamental step to achieving UNCLOS objectives. Some also viewed MPAs as a possible contentious issue, especially regarding the establishment of such areas in the high seas. According to one participant, measures adopted by some coastal States in the aftermath of the *Prestige* oil spill are also likely to bring about a divergence of views.

THINGS TO LOOK FOR TODAY

DISCUSSION PANEL A: Delegates will meet from 10:00 am - 1:00 pm and from 3:00-6:00 pm in Conference Room 1 to participate in a discussion panel on the safety of navigation.