



HIGHLIGHTS OF THE FIFTH MEETING OF THE INFORMAL CONSULTATIVE PROCESS: MONDAY, 7 JUNE 2004

The fifth meeting of the UN Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS-5 or Consultative Process) opened on Monday, 7 June 2004, at UN headquarters in New York. Delegates convened in Plenary session in the morning and held a Discussion Panel in the afternoon. Plenary addressed organizational matters, heard a report on the outcome of the Group of Experts' meeting on the process for global reporting and assessment of the state of the marine environment (GMA), and started discussing cooperation and coordination on ocean issues. The Discussion Panel on new sustainable uses of the oceans was presented with a documentary and heard keynote presentations on deep seabed biodiversity.

PLENARY

OPENING: Co-Chair Felipe Paolillo (Uruguay) opened the meeting, noting that consultations on new sustainable uses of the oceans would provide a unique opportunity to learn more about seabed biodiversity. He drew attention to a series of questions contained in the agenda that should guide the discussions.

Noting that the UN Convention on the Law of the Sea constitutes the overarching legal framework for the protection of oceans, co-Chair Philip Burgess (Australia) called for stimulating discussions on a legal regime for the use of deep sea resources in areas beyond national jurisdiction.

Delegates then adopted the meeting's agenda (A/AC.259/L.5) with minor amendments.

REPORT ON THE GROUP OF EXPERTS ON THE

GMA: David Pugh, Chairman of the GMA Group of Experts, presented the composition and mandate of the Group of Experts to produce a document on, *inter alia*, the scope, outline, capacity building and funding for the GMA. He said the document prepared by the Group at its meeting (23-26 March 2004, New York) will be introduced during the GMA International Workshop.

COOPERATION AND COORDINATION ON OCEAN

ISSUES: Qazi Shaukat Fareed, UN System Chief Executives Board for Cooperation, presented the Ocean and Coastal Areas Network (OCAN), noting that it builds on the former Subcommittee on Oceans and Coastal Areas, and stressed that it is a more innovative and task-oriented body than its predecessor.

Patricio Bernal, Intergovernmental Oceanographic Commission of the UN Education, Scientific and Cultural Organization (IOC/UNESCO), presented the OCAN's terms of reference, listing key tasks, including: strengthening coordination on ocean issues inside and outside the UN system; identifying areas for joint action; integrating the management of ocean and coastal issues; and addressing the implementation of relevant commitments from the World Summit on Sustainable Development.

Roger Jones, International Maritime Organization (IMO), stressed the need to clarify the role and responsibilities of flag States, and highlighted relevant IMO initiatives, including the development of a draft Member State Implementation Code and a Voluntary Member State Audit Scheme.

Dan Ogolla, Convention of Biological Diversity (CBD), presented the outcomes of the seventh Conference of the Parties (COP) to the CBD, noting that the COP asserted the urgent need for cooperation regarding conservation and sustainable use of deep sea biodiversity, requested the development of methods for identification, assessment and monitoring of seabed genetic resources in areas beyond national jurisdiction, and recommended taking the necessary measures, including interim prohibition, to address destructive practices.

Roger Parsons, International Hydrographic Organization (IHO), presented IHO's activities related to the production of accurate nautical charts and traffic navigational schemes to enhance navigational safety and reduce negative impacts on the marine environment. Stressing the need for capacity building, he highlighted IHO's programmes aimed at helping governments to develop their hydrographic capability.

Jean-François Pulvenis, Food and Agriculture Organization (FAO), noted the poor implementation of relevant international instruments, and highlighted the FAO's capacity-building efforts



to combat illegal, unreported and unregulated (IUU) fishing. He called for reinforcing flag States' responsibilities and for universal adoption of the 1993 FAO Compliance Agreement. Noting that lost fishing gears constitute threats to the environment and the safety of navigation, he urged the fishing industry to reduce significantly the amount of debris and gears lost at sea.

Driss Meski, International Commission on the Conservation of Tuna (ICCAT), stressed the ICCAT's activities to combat IUU fishing, and underlined the need for reliable data for conservation efforts. Simon Bennett, International Chamber of Shipping, emphasized the importance of enforcement of flag States' obligations.

Welcoming the establishment of the OCAN, AUSTRALIA underscored that programmes related to marine ecosystems and coral reef management needed to be better coordinated, and noted that governance of the high seas could be a core issue for the meeting's discussions. Ireland, on behalf of the EUROPEAN UNION, expressed its support for coordination of ocean matters at all levels, and welcomed the inclusion of international financial institutions in the OCAN. He underlined the need for an ecosystem approach when addressing new uses of the oceans that threaten the marine environment. CANADA stressed the need to consider both emerging and ongoing issues, avoid piecemeal approaches and not create a bureaucratic mechanism. She called for increased cooperation regarding reporting on flag State implementation.

The International Transport Workers' Federation, on behalf of several NGOs, noted that the failure of flag States to uphold their responsibilities facilitates, *inter alia*, IUU fishing, human rights abuses and arms smuggling, and stressed the need for following-up on non-compliance. He recommended establishing a joint inter-agency committee to clarify the role of the 'genuine link.'

Conservation International, on behalf of a coalition of NGOs, stressed the need for immediate action to protect vulnerable deep sea ecosystems, including the adoption of a moratorium on bottom trawling by the General Assembly.

IUCN said the lack of regulation of high seas bottom trawling runs counter to calls by the General Assembly and international obligations to eliminate IUU fishing and protect biodiversity, and stressed the need for further research, assessment, and knowledge dissemination.

DISCUSSION PANEL ON NEW SUSTAINABLE USES

KEYNOTE PRESENTATIONS: Delegates were presented with a documentary on "Volcanoes of the Deep Sea," describing deep seabed ecosystems.

Peter Rona, Rutgers University, explained that research on the mid-ocean ridge, the largest geographic feature on Earth, has resulted in the discovery of life forms that survive on nutrients produced by microbes through chemosynthesis. Noting that some of the enzymes discovered are used commercially and have pharmaceutical applications, he warned that these sources of biodiversity are not renewable. Rona underlined that 95% of the ocean floor and the water column of the mid-ocean ridge is still to be explored and that any legal regime should accommodate future discoveries.

Kim Juniper, Université du Québec à Montréal, presented results of scientific research regarding the deep seabed, including discoveries, applications and conservation issues related to hydrothermal vents. Noting that hydrothermal vents are mainly used for marine scientific research, he expressed concern regarding intensive sampling, which threatens some species' survival. Juniper highlighted the development of a code of conduct for the sustainable scientific use of hydrothermal vent sites to address this concern. He cautioned that mining of mineral deposits in hydrothermal vents will result in the loss of seafloor habitats. He also outlined the use of marine worms and enzymes in the production of artificial human blood and the stabilization of food flavors.

Amb. Satya Nandan, International Seabed Authority (ISA), noted that the ISA had developed regulations and guidelines for contractors relating to prospecting of polymetallic nodules, and was in the process of developing regulations for polymetallic sulphides and cobalt crusts associated with hydrothermal vents and seamounts. Nandan highlighted that a voluntary code of conduct for hydrothermal vents could be a basis for developing guidelines for other deep seabed activities.

DISCUSSION: ITALY and FRANCE suggested that the voluntary code of conduct on scientific uses of hydrothermal vents be made public. Juniper replied that the code was still in draft form and hence confidential.

IN THE CORRIDORS

The unexpected early adjournment of the meeting on its first day of discussions took many by surprise. Delegates unanimously recognized that the issues for discussion are of crucial importance for the sustainable management of oceans and that the day's keynote presentations were necessary to set the background for informed negotiations on new uses of the oceans. However, several thought that these highly technical presentations were conveyed to a legal forum that does not have the scientific background to engage in elaborate discussions and may have left some delegates dumbstruck.

Looking ahead, the issue of a moratorium on bottom trawling was flagged as a possible bone of contention during the week, as was bioprospecting in areas beyond national jurisdiction. On the latter, some delegates pointed at the question of the appropriate forum to regulate activities, noting that both the International Seabed Authority and the Convention on Biological Diversity may be competent.

THINGS TO LOOK FOR TODAY

GMA INTERNATIONAL WORKSHOP: The International Workshop on the GMA will convene from 10 am-1:00 pm in Conference Room 1 to start consideration of the draft document prepared by the Group of Experts.

DISCUSSION PANEL: The Discussion Panel on new sustainable uses of the oceans will meet from 3:00-6:00 pm in Conference Room 1 to discuss high seas bottom fisheries. Lisa Speer, Natural Resources Defense, will give a keynote presentation on high seas bottom fisheries and their effects on vulnerable deep sea ecosystems and biodiversity.