



**SIXTH MEETING OF THE OPEN-ENDED
INFORMAL CONSULTATIVE PROCESS
ON OCEANS AND THE LAW OF THE SEA:
6-10 JUNE 2005**

The sixth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (Consultative Process or UNICPOLOS) opens today at UN headquarters in New York, and will continue until 10 June 2005. Delegates will convene in plenary sessions to, *inter alia*: exchange views on areas of concern and actions needed; discuss cooperation and coordination on oceans issues; and identify issues for further consideration. Two discussion panels will be held to consider fisheries and their contribution to sustainable development, and marine debris. The recommendations stemming from the meeting will be forwarded to the General Assembly at its 60th session.

Following UNICPOLOS-6, the second international workshop on the regular process for global reporting and assessment of the state of the marine environment, including socioeconomic aspects, will be held from 13 to 15 June 2005.

**A BRIEF HISTORY OF THE LAW OF THE SEA, THE
CONSULTATIVE PROCESS AND THE GLOBAL MARINE
ASSESSMENT PROCESS**

UNCLOS: Opened for signature on 10 December 1982, in Montego Bay, Jamaica, at the third UN 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, their resources, and the protection of the marine and coastal environment. UNCLOS, which entered into force on 16 November 1994, is supplemented by the 1994 Deep Seabed Mining Agreement, and the 1995 Fish Stocks Agreement (FSA).

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 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 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 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 review the effectiveness and utility of the Consultative Process at its 57th session.

UNICPOLOS-1 to 3: 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 its 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 of the Consultative Process (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 of the Consultative Process (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 ocean management.

WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT: The World Summit on Sustainable Development (WSSD) (26 August-4 September 2002, Johannesburg, South Africa) negotiated and adopted two main documents: the Johannesburg Plan of Implementation (JPOI) and the Johannesburg Declaration on Sustainable Development. Among the 11 chapters of the JPOI, which provide a framework for action to implement sustainable development commitments, Chapter IV on "Protecting and Managing the Natural Resource Base of Economic and Social Development" contains several paragraphs on the sustainable development of oceans that address, *inter alia*: sustainable fisheries; the promotion of conservation and management of oceans; and the enhancement



of maritime safety and protection of the marine environment from pollution. In particular, paragraph 31 calls for action to restore stocks to levels that can produce the maximum sustainable yield on an urgent basis and, where possible, not later than 2015.

Paragraph 36 (b) of the JPOI called for the establishment by 2004 of “a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socioeconomic aspects, both current and foreseeable, building on existing regional assessments” (GMA).

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.

In paragraph 45, the General Assembly requested the Secretary-General to prepare proposals on modalities for a regular process for the GMA and to submit these proposals to the General Assembly at its 58th session for its consideration and decision, including on the convening of a possible intergovernmental meeting.

UNICPOLOS 4: 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.

UNGA RESOLUTION 58/240: At its 58th session, the General Assembly adopted resolution 58/240 of 23 December 2003, on “Oceans and the law of the sea,” requesting the Secretary-General to take further steps to establish the regular process, including convening a GMA international workshop in conjunction with UNICPOLOS-5 to consider a draft document prepared by a group of experts on, *inter alia*, the scope, general framework and outline of the process.

UNICPOLOS 5: The fifth meeting of the Consultative Process (7-11 June 2004, New York) adopted recommendations on new sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction. The first GMA international workshop was held in conjunction with UNICPOLOS-5 to consider a process for global reporting and assessment of the state of the marine environment, including socioeconomic aspects.

INTERSESSIONAL HIGHLIGHTS

TENTH INTERNATIONAL CORAL REEF

SYMPOSIUM: The Tenth International Coral Reef Symposium (28 June-2 July 2004, Okinawa, Japan) considered several issues, including: remote sensing; new approaches to sustaining coral reef ecosystems and their fisheries; coral reef restoration and remediation; and designing effective coral reef marine protected areas. In a final Declaration on Conservation and Restoration of Endangered Coral Reefs of the World, delegates recommended four key strategies for coral reef conservation: achieve sustainable fisheries; increase effective marine protected areas; ameliorate land-use change impacts; and develop technology for coral reef restoration.

FAO TECHNICAL CONSULTATION TO REVIEW PORT STATE MEASURES TO COMBAT IUU FISHING:

Delegates to this Food and Agriculture Organization (FAO) meeting (31 August-2 September 2004, Rome, Italy) discussed measures to strengthen port State controls and combat illegal, unreported and unregulated (IUU) fishing, and elaborated a model scheme or list of “best practices” to be used by countries,

regional fishing bodies or others in implementing port State measures.

UNGA RESOLUTION 59/24: At its 59th session, the General Assembly adopted resolution 59/24 of 17 November 2004, on “Oceans and the law of the sea,” which requested the Secretary-General to convene the sixth meeting of the Consultative Process from 6-10 June 2005, and recommended that the meeting organize its discussions around the themes “fisheries and their contribution to sustainable development, and marine debris.”

The resolution also requests the Secretary-General to convene the second GMA international workshop from 13 to 15 June 2005, to continue considering issues relating to the establishment of the process, including its scope and a task force to initiate the start-up phase, the “Assessment of Assessments.”

MAURITIUS INTERNATIONAL MEETING: The International Meeting to Review the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (SIDS) (10-14 January 2005, Port Louis, Mauritius) reviewed the 1994 Barbados Programme of Action (BPOA). The strategy adopted to further implement the BPOA, the Mauritius Strategy, recognizes that action is required to build SIDS’ technical and financial capacities to, *inter alia*: establish effective monitoring, reporting, enforcement, and control of fishing vessels; strengthen or develop sustainable and responsible fisheries management mechanisms; and consider becoming parties, if they have not yet done so, to the FSA and the FAO High Seas Fishing Compliance Agreement, as well as to relevant regional fisheries agreements. The Strategy also recognizes SIDS’ need for financial and technical capacity in dealing with waste management issues and marine debris.

26TH SESSION OF FAO COMMITTEE ON FISHERIES:

The 26th session of the FAO’s Committee on Fisheries (7-11 March 2005, Rome, Italy) discussed a variety of issues, including: implementation of the FAO Code of Conduct for Responsible Fisheries and related international plans of action; deep sea fisheries; marine protected areas; fisheries subsidies; and a strategic framework for human capacity development in fisheries.

FIRST SUBSTANTIVE SESSION OF THE HIGH SEAS TASK FORCE: Members of the first substantive meeting of the High Seas Task Force (9 March 2005, Paris, France) met to discuss future progress in six priority areas: sharing intelligence and better coordination of monitoring, control, and surveillance; developing a global register of high seas fishing vessels; preparing guidelines on the performance of flag States regarding their high seas fishing vessels; strengthening in-port measures and control over nationals; analyzing trade-related measures; and regional fisheries management organization-based initiatives and governance issues.

UNICPOLOS INFORMAL PREPARATORY MEETING: An informal preparatory meeting for UNICPOLOS-6 was held at UN headquarters in New York on 16 March 2005. Following this meeting and consultations with country delegations, a draft format and provisional agenda for the meeting was prepared (A/AC.259/L.6). The meeting will be co-chaired by Phil Burgess (Australia) and Cristian Maquieira (Chile).

CONFERENCE ON THE GOVERNANCE OF HIGH SEAS FISHERIES: The Conference on the Governance of High Seas Fisheries and the UN Fish Agreement-Moving from Words to Action (1-5 May, 2005, St. John’s, Newfoundland and Labrador, Canada) aimed at examining tools to manage high seas fisheries, in particular those found in the FSA, and determining practical ways of applying these tools to ensure immediate protection and rebuilding of fish stocks in years to come.