



## UNICPOLOS-6 HIGHLIGHTS: THURSDAY, 9 JUNE 2005

On Thursday, delegates to the sixth meeting of the UN Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS-6 or Consultative Process) reconvened the Discussion Panel on marine debris in the morning, addressing national approaches. In the afternoon, delegates met in Plenary to exchange views on areas of concern and actions needed.

### DISCUSSION PANEL ON MARINE DEBRIS

#### NATIONAL APPROACHES: Keynote presentations:

Thomas Cowan, Director, Northwest Straits Commission, highlighted the aims of the Marine Conservation Initiative's derelict fishing gear removal project, including improving public safety and assisting in species recovery. He stressed the amount of derelict fishing gear that goes unreported, and listed the impacts of marine debris, emphasizing human safety, degraded marine ecosystems and vulnerable habitats. Cowan outlined additional pilot project objectives, namely: developing and testing removal protocols; creating a database of marine debris' locations; establishing a public reporting system; and educating and involving civil society.

Ilse Kiessling, National Oceans Office, Australia, said marine debris and derelict fishing gear constitute hazards to vessels, human life, and marine species; and stressed their impact on the economic viability and sustainability of commercial fisheries. She called for a review of the effectiveness of existing measures, adding that nearly all debris on remote Australian coastlines comes from industrial fishing. She urged industrial fisheries to implement Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL), which regulates pollution by garbage from ships. She recommended that fisheries not subject to RFMOs carry out inventories of gear, and stated that international cooperation is the first step in tackling the issue of marine debris.

Laleta Davis-Mattis, Senior Legal Advisor, National Environment and Planning Agency, Jamaica, identified high levels of poverty and tourism as contributing factors to the production of marine debris. She listed its sources, namely: discharges of solid waste from storm-water gullies and drains; solids from malfunctioning sewage treatment plants; and ship and white wastes. Davis-Mattis said priority areas for action include: sewage collection; treatment and disposal; wastewater

management; agricultural practices; and ship waste reception. She underscored the importance of public awareness raising and beach cleanups, and recommended joint management initiatives between governments and the private sector.

**The importance of the issue:** The Permanent Commission for the South Pacific (CPPS) and AUSTRALIA stressed that marine debris is one of the main sources of global pollution and, with JAPAN, underscored the urgency of tackling this issue. The CPPS recommended the adoption of national plans of action for the protection of the marine environment against activities carried out on land.

**Education and awareness raising:** The CPPS said environmental education is crucial in tackling the issue of marine debris, and the EU underlined the role of volunteers. INDONESIA reported on national awareness and education programmes. The UK, on behalf of the OSPAR Commission for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Commission), maintained that involvement of local authorities and communities in awareness raising is key.

**Private sector participation:** The CPPS and the EU called for increased private sector participation to deal with marine debris at all levels. Noting the negative impacts of marine debris on the fishing industry, AUSTRALIA supported its involvement in tackling the problem.

**Legal framework:** The EU noted that existing global and regional norms prohibiting discharges are inadequate as waste reception facilities are lacking in many ports. NORWAY asked whether Annex V of the MARPOL Convention relates to lost fishing gear, with IMO responding that it only covers the discharge and disposal of fishing equipment. CHILE, supported by Kiessling and Cees van de Guchte, Senior Programme Officer, UNEP/GPA Coordination Office, supported a review of MARPOL Annex V implementation, with Davis-Mattis stressing its importance for SIDS. INDONESIA called for institutional synergies to control marine debris. The IFCA recommended the application of FAO's Code of Conduct on Responsible Fisheries to address marine debris.

**Management tools:** CANADA proposed using economic incentives to deal with marine debris. Encouraging a regional approach to port reception facilities, NEW ZEALAND outlined an initiative by the IMO on reception facilities managed at a regional level. The IFCA noted that user rights facilitate seeking compensation from polluters. AUSTRALIA urged the application



of the polluter pays principle. The OSPAR Commission noted the importance of free port disposal facilities.

**Gear recovery:** Further to a comment by NORWAY, Cowan emphasized the importance of recovery of fishing gear. Kiessling suggested the introduction of compulsory reporting of lost gear within RFMOs. The REPUBLIC OF KOREA reported on the use of name tags on fishing nets and a debris collection project for fisherman. Responding to SENEGAL, Cowan indicated that scuba divers' surveys and sonar devices help detect abandoned fishing equipment, and Kiessling highlighted the development of a fishing net inventory.

Margareta Wahlström, Assistant Secretary-General for Humanitarian Affairs and UN Special Coordinator for Tsunami Response, identified immediate financial resource mobilization as one of the reasons for the success of relief efforts since the December 2004 tsunami. She stressed the importance of sustaining monetary relief throughout the recovery phase to support: food, temporary shelter, and basic health. Wahlström highlighted issues ahead, including rehabilitation costs and coordination challenges. She called for a dialogue between UN technical experts and government agencies, and stated that they are important in setting priorities and handling expectations.

AUSTRALIA welcomed the development of an Indian Ocean tsunami early warning system, and the IMO briefed on the first steps taken in its establishment. The EU highlighted aspects of the EU Tsunami Action Plan. THAILAND stressed the continuing need for technical assistance. INDONESIA said the recovery process should focus on: poverty eradication; local communities' involvement; and employment creation. TUVALU underscored the vulnerability of SIDS to tsunamis. UNEP described a task force addressing the follow-up on the tsunami's impacts. MEXICO advocated establishing regional scientific institutions to help raise awareness on tsunamis.

## PLENARY

### AREAS OF CONCERN AND ACTIONS NEEDED:

**Marine debris:** MEXICO advocated adopting a multi-sectoral approach to marine debris, and outlined training programmes for fishermen focusing on recovering and regulating gear. Emphasizing that marine debris is a cultural problem, FIJI called for changing attitudes, behavior and business practices. HONDURAS outlined an initiative to regionalize contingency planning of waste in Central America. FINLAND reported on the work of the Baltic Marine Environment Protection Commission to reduce ship-generated waste and the environmental impacts of fisheries. ARGENTINA supported the adoption of mandatory notification of fishing gear loss.

**IUU fishing:** HONDURAS outlined actions taken to comply with its flag State obligations under international law, including: the use of satellite monitoring systems; fishing licenses; and inspection of fishing gear. AUSTRALIA underscored the need to eliminate flags of convenience and to define the genuine link between flag States and vessels in order to combat IUU fishing. ARGENTINA supported prompt negotiations on a binding instrument on port State measures against IUU fishing.

**Fisheries and sustainable development:** NAMIBIA underscored fisheries' contribution to sustainable development, especially that of African countries and SIDS. CANADA underlined that only sustainable fisheries can contribute to sustainable development. TUVALU, on behalf of the Alliance of Small Island States, encouraged the Consultative Process to take note of the Mauritius Strategy. AUSTRALIA said the greater challenge to the sustainable management of oceans is the

implementation of existing instruments, and urged States that have not yet done so to ratify all relevant agreements.

**Legal framework for the management of the high seas:** AUSTRALIA and the EU recommended that the *Ad Hoc* Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction examine options for the management of the high seas. ITALY reiterated its call for a new international instrument on integrated MPAs on the high seas. PALAU, supported by FIJI and COSTA RICA, recommended a temporary moratorium on high seas bottom trawling until appropriate regulations have been adopted and implemented. CANADA underlined the problems posed by the enforcement of moratoria and called for practical solutions. ARGENTINA proposed that the International Seabed Authority report on the impact of bottom trawling and, supported by URUGUAY, suggest specific measures for UNICPOLOS consideration. The US said additional management measures need to be applied to protect seamounts. NORWAY noted that the international debate on oceans and the law of the sea has focused on high seas, and said States should concentrate on national implementation. CUBA said that UNCLOS creates a universally recognized framework according to which activities on the high seas should be carried out.

**RFMOs:** AUSTRALIA welcomed the agreement at the recent conference on the governance of high seas fisheries to review the performance of RFMOs, and mentioned the current negotiation to establish an RFMO for the South Pacific Ocean. NAMIBIA called on States, international organizations and NGOs to participate in RFMOs, especially in developing countries, for the sustainable and equitable management of natural resources. NAMIBIA and CANADA called for strengthening RFMOs. The EU said RFMOs should play an important role in addressing destructive fishing practices and, with CANADA, recommended expanding their coverage. MEXICO suggested promoting the recovery of lost gear in the context of RFMOs.

**Other issues:** ITALY, supported by SPAIN, recommended that underwater noise pollution and its consequences on marine life be considered by the General Assembly. Highlighting the conflict between small-scale and industrial fishing activities, FIJI said his government has drafted a Customary Fishing Bill that accounts for the rights of both owners and users.

## IN THE CORRIDORS

The corridors were abuzz with comments on the entrenched positions evidenced as Plenary resumed on Thursday afternoon. Some attributed them to the important economic interests at stake in the discussions on high seas management and the little leeway certain delegations had been given by their capitals. Other participants observed that regional coordination behind the scenes turned out to be particularly difficult due to the stark contrast between fisheries- and biodiversity-centered perspectives on the Consultative Process' agenda. While one delegate feared that positions may polarize even further as some major players have not yet laid their cards on the table, NGOs still nurtured hope for some "baby steps" to be taken. All in all, many participants have resigned themselves to a bleary-eyed session on Friday.

## THINGS TO LOOK FOR

**ENB REPORT:** The *Earth Negotiations Bulletin* summary and analysis of UNICPOLOS-6 will be available on Monday, 13 June at: <http://www.iisd.ca/oceans/icp6/>