



SUMMARY OF THE 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 Open-Ended Informal Consultative Process on Oceans and the Law of the Sea (Consultative Process or UNICPOLOS) took place from 6-10 June 2005, at UN headquarters in New York. The meeting brought together over 400 representatives from governments, intergovernmental organizations, non-governmental organizations (NGOs), and academic institutions.

During the week, delegates convened in plenary sessions to 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 were held to consider fisheries and their contribution to sustainable development and marine debris. The outcome of the meeting includes a report containing elements agreed by consensus on fisheries and their contribution to sustainable development, and non-negotiated draft elements on marine debris and cooperation and coordination on oceans issues. This report will be submitted to the UN General Assembly for consideration at its 60th session under the agenda item "Oceans and the law of the sea".

The absence of a negotiated outcome on the two sections on marine debris and on coordination or cooperation, and the unresolved question of regional versus global frameworks, which resulted from the lack of time allocated for negotiations, was seen as the major shortcomings of this meeting. However, the negotiated text still marks progress on several difficult aspects of the fisheries agenda, such as regional fisheries management organizations and illegal, unreported and unregulated fishing, and solidly links fisheries governance and the protection of the oceans.

A BRIEF HISTORY OF THE CONSULTATIVE PROCESS

On 1 November 1967, Malta's Ambassador to the United Nations, Arvid Pardo, asked the nations of the world to recognize a looming conflict that could devastate the oceans. In a speech to United Nations General Assembly, he called for "an effective international regime over the seabed and the

ocean floor beyond a clearly defined national jurisdiction." The speech set in motion a process that spanned 15 years and saw the creation of the UN Seabed Committee, the signing of a treaty banning nuclear weapons on the seabed, the adoption of the declaration by the General Assembly that all resources of the seabed beyond the limits of national jurisdiction are the common heritage of mankind and the convening of the Stockholm Conference on the Human Environment. These were some of the factors that led to the convening of the Third UN Conference on the Law of the Sea during which the UN Convention on the Law of the Sea (UNCLOS) was adopted.

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 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

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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 oceans 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 fish 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 UN 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 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.

UNICPOLOS-6 REPORT

The sixth meeting of the Consultative Process opened on Monday, 6 June 2005. Co-Chair Philip Burgess (Australia) opened the meeting, noting the two discussion panels on fisheries and their contribution to sustainable development and marine debris relate to the Millennium Development Goals (MDGs). Underlining that this meeting marks the last one in the three-year extension of the Consultative Process’s mandate, he raised a number of questions about its future.

Co-Chair Cristián Maquieira (Chile) stated that the issue of fisheries has taken an increasingly important role because of its impact on sustainable development.

Mexico proposed to amend the agenda to indicate that the Consultative Process will suggest “elements” rather than “recommendations” to the General Assembly. Delegates adopted the agenda (A/AC.259/L.6) with this amendment.

During the week, the plenary met on Monday, Thursday and Friday to address: areas of concern and actions needed, including on issues discussed at previous meetings; cooperation and coordination on ocean issues; and elements to be suggested to the UN General Assembly for consideration. States were invited



to provide written submissions regarding issues for further consideration. The Discussion Panel on the theme “fisheries and their contribution to sustainable development,” met on Monday, Tuesday and Wednesday to consider: recent developments; commercial and large-scale fishing; artisanal and small-scale fishing; and the scientific and civil society perspective on fisheries and their contribution to sustainable development. The Discussion Panel on the theme “marine debris,” met on Wednesday and Thursday to consider intergovernmental and non-governmental perspectives, and national approaches.

This report summarizes discussions held by the plenary and the discussion panels, organized by agenda item, as well as agreed and non-negotiated elements to be submitted to the UN General Assembly.

PLENARY

AREAS OF CONCERN AND ACTIONS NEEDED:

The plenary exchanged views on areas of concern and actions needed on Monday, Thursday and Friday. Delegates addressed issues pertaining to: implementation; regional fisheries management organizations (RFMOs); illegal, unreported and unregulated fishing (IUU) fishing; international cooperation and coordination; legal framework for the management of the high seas; marine debris; fisheries and sustainable development; and the sustainable management of oceans.

Implementation: Many delegations prioritized full implementation of existing global instruments regulating the sustainable management of the oceans. Norway, Australia and others called on States that have not yet done so to become parties to the FSA. Italy reiterated its call for a new international instrument on integrated marine protected areas (MPAs) on the high seas; Iceland opposed, favoring the adoption of a regional approach.

RFMOs: Canada, Iceland, the EU, Iceland, Senegal and others identified RFMOs as the necessary management tool of marine resources and recommended strengthening their role and expanding their coverage. Australia, New Zealand and Chile indicated that an RFMO for the South Pacific Ocean is currently negotiated, and Peru expressed its intent to participate in its establishment.

International cooperation and coordination: Canada, Australia and Peru called for greater international cooperation in oceans management. Canada emphasized coherence with other fora, such as the Convention on Biological Diversity (CBD) Working Group on Protected Areas. On cooperation, Iceland highlighted the importance of sustainable fisheries capacity building in Iceland’s development aid policy. Canada and the US, supported by Peru, emphasized the capacity-building needs of developing countries.

IUU fishing: All delegates emphasized the dramatic impact of IUU fishing on sustainable fisheries and identified overfishing and excess fishing capacity as two of its causes. Among the actions needed to combat IUU fishing, Chile, Australia and others recalled the need to define the “genuine link” between flag States and their vessels. Australia added that flags of convenience should be eliminated. Venezuela noted that it will launch a registry of fisheries-related data and activities. Honduras outlined actions such as the use of satellite monitoring systems, fishing licenses, and inspection of fishing gear.

Argentina supported prompt negotiations on a binding instrument on port State measures against IUU fishing. The International Maritime Organization (IMO) noted the globalization of shipping services, and reported on the IMO Voluntary Member State Audit Scheme aimed to promote flag States’ accountability. The International Transport Workers’ Federation (ITWF) and Greenpeace, on behalf of a group of NGOs, highlighted circumstances that contribute to IUU fishing, including human rights violations in the fishing industry. Senegal underlined that some IUU fishing vessels also engage in arms trafficking.

Legal framework for the management of the high seas:

New Zealand called on States to cooperate to give effect to the General Assembly’s call for interim targeted bans on destructive fishing practices in vulnerable areas. The NGO community, supported by Palau, Fiji, Chile and Costa Rica, and opposed by Iceland, Japan, Ecuador, the EU and Australia, recommended a temporary moratorium on high seas bottom trawling until appropriate regulations have been adopted and implemented. Australia and Canada underlined the problems posed by the enforcement of moratoria, noting that it would lead to increased IUU fishing and be detrimental to responsible fishers. Australia, the EU, and Peru recommended that the *Ad Hoc* Open-ended Informal Working Group, which was established by UNGA resolution 59/24, 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, Argentina proposed that the International Seabed Authority report on the impact of bottom trawling.

Marine debris: Delegates highlighted the impacts of marine debris on marine resources and Australia noted that the problem remains unresolved at the regional and international levels. A number of delegates outlined national and regional programmes dealing with the issue. Fiji called for changing attitudes, behavior and business practices and Argentina supported the adoption of mandatory notification of fishing gear loss.

Fisheries and sustainable development: A number of delegations underscored the role played by fisheries in food security, poverty alleviation, and achieving the MDGs. China and the US emphasized the role aquaculture plays in this regard. Tuvalu, on behalf of the Alliance of Small Island States, encouraged the Consultative Process to take note of the Mauritius Strategy. Noting the adverse impact of subsidies on sustainable development, Chile, Kiribati, Fiji, New Zealand and Namibia called for the abolition of subsidies to the fishing industry and protective trade measures.

Sustainable management of the oceans: The US, Canada, Chile, and Australia recommended the adoption of an ecosystem approach to the management of marine resources. UNESCO’s Intergovernmental Oceanographic Commission (IOC) highlighted its work on scientific aspects of using indicators for an ecosystem approach to fisheries management. On overcapacity, the Republic of Korea outlined a vessel buyback programme to reduce its fleet. Italy, supported by Spain and Sierra Club, on behalf of the North American Ocean Noise Coalition, the European Coalition for Silent Oceans and the South American Marine Working Group, recommended that underwater noise pollution and its consequences on marine life be considered by the General Assembly. On the prevention of



the extinction of leatherback and loggerhead marine turtles, the Sea Turtle Restoration Project called for a temporary moratorium on longline fishing in the Pacific. Australia, New Zealand, Costa Rica and Palau called for the implementation of the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations, and recommended the adoption of temporary closures and identification of vulnerable areas. The Bahamas outlined the establishment of MPAs, the prohibition of longline fishing and seasonal closing of vulnerable areas. The International Coastal and Oceans Organization underlined the importance of public awareness and education for the sustainable management of the oceans.

The future of the Consultative Process: A majority of delegates called for the continuation of the Consultative Process. Noting that the Consultative Process is not a practice session for the General Assembly debate, Canada queried whether UNICPOLOS-6 had made good use of the discussion panels. The EU underlined that UNICPOLOS has allowed early identification of politically sensitive issues and suggested a review of: the scope of the issues addressed; dual chairmanship; the extent to which the Consultative Process has enhanced intergovernmental and inter-agency coordination and cooperation; and the time allocated to negotiate the Co-Chairs' report to the General Assembly.

A summary of these discussions is available online at:
<http://www.iisd.ca/vol25/enb2514e.html> and
<http://www.iisd.ca/vol25/enb2517e.html>.

COOPERATION AND COORDINATION ON OCEAN ISSUES: This agenda item was discussed in plenary on Friday morning. Patricio Bernal, Coordinator, UN-Oceans, noted that UN-Oceans was established to: strengthen coordination and cooperation of UN activities related to oceans and coastal areas; promote the integrated management of oceans at the international level; and review the relevant UN programmes and activities undertaken to contribute to the implementation of UNCLOS, Agenda 21 and the JPOI. He said UN-Oceans will pursue initiatives through *ad hoc* task forces on: post-tsunami response; the global assessment; and biodiversity in marine areas beyond national jurisdiction.

Serge Garcia, Director, Fisheries Resources Division, FAO, provided a summary on the UN Atlas of the Oceans, noting that it is an integrated source of knowledge and policy advice, collaboratively developed by UN institutions with oceans mandates. He described how users can search the website on any oceans issues, volunteer to be a topic editor, or edit content on-line. Garcia highlighted future actions of the UN Atlas of the Oceans, including: further mainstreaming within the UN and partners; securing long-term UN core funding; and expanding collaboration across all sectors.

In the ensuing discussion, participants addressed whether there is a need to improve coordination or cooperation at an intergovernmental or inter-agency level in relation to: any of the items covered by the reports of the Secretary-General; issues common to more than one of those subjects; obstacles to the implementation of international instruments relevant to those topics or to the realization of benefits resulting from such instruments; and which specific actions or solutions may be suggested to the General Assembly for consideration in order to

help meet such needs. Delegates also addressed: the verification of the accuracy of the information posted on the UN Atlas of the Oceans; understanding of the mandate for the *Ad Hoc* Open-ended Working Group on marine biodiversity beyond national jurisdiction; the scope of the mandate of UN-Oceans on coordination and cooperation; and UN-Oceans' membership. Bernal stressed the importance of a transparent exchange of views and welcomed the precautionary comments on the scope of UN-Oceans.

ISSUES FOR FURTHER CONSIDERATION: On Friday, Co-Chair Maquieira noted that delegations had been invited to submit written suggestions on issues for further consideration. He indicated that they would be incorporated in the list contained in Part C of the reports of the fourth and fifth meeting of the Consultative Process (A/58/95 and A/59/122).

DISCUSSION PANEL ON FISHERIES AND THEIR CONTRIBUTION TO SUSTAINABLE DEVELOPMENT

This discussion panel took place on Monday, Tuesday and Wednesday and addressed: recent developments; commercial and large-scale fishing; artisanal and small scale fishing; and scientific and civil society perspective on fisheries and their contribution to sustainable development.

RECENT DEVELOPMENTS: On Monday, David Balton, Deputy Assistant Secretary for Oceans, Bureau of Oceans, International Environmental and Scientific Affairs, US Department of State, briefed delegates on the outcome of the fourth round of informal consultations of States parties to the FSA, which was held the previous week, noting that a review conference to assess the provisions of the FSA is scheduled to take place in May at UN headquarters in New York.

Lori Ridgeway, Director-General, International Coordination and Policy Analysis, Fisheries and Oceans, Canada, reported on the outcome of the Conference on the Governance of High Seas Fisheries and the FSA – Moving from Words to Action, which was held in Canada from 1-5 May 2005, noting that the meeting had emphasized the need to modernize RFMOs by enhancing their transparency and including ecosystem considerations in their decision-making process.

Serge Garcia presented an overview of the 2004 Report on the State of Marine Fisheries, indicating that the majority of stocks are overfished and overexploited. He highlighted capture-based aquaculture as one of the major new issues affecting fisheries.

In ensuing discussions, participants addressed: the reason for low participation to the FSA; the definition of fully exploited stocks; statistics on straddling stocks in the high seas; fish stocks' recovery; and emerging issues of ethics. A summary of these presentations and discussions is available online at:
<http://www.iisd.ca/vol25/enb2514e.html>

On Tuesday morning, Garcia outlined the outcome of the 26th session of the Committee on Fisheries (COFI) held in March 2005, noting that the meeting called for a more effective implementation of the FAO Code of Conduct on Sustainable Fisheries and recognized MPAs as valuable tools for fisheries management.

Kjartan Hoydal, Secretary, North-East Atlantic Fisheries Commission, summarized the outcome of the fourth meeting of Regional Fishery Bodies (RFB), which was held at FAO headquarters from 14 -15 March 2005, and that reviewed the



role of RFBs and external factors affecting fisheries, highlighting the role RFBs play in poverty alleviation, food security, and the profitability of the fishing industry.

Evelyne Meltzer, Chief, Marine Policy Division, Department of Fisheries and Oceans, Canada, presented an overview of straddling and highly migratory fish stocks in relation to RFMOs, stressing that RFMOs regulate tuna and tuna-like species in all the oceans and seas, and outlined challenges RFMOs face, including decision making, dispute settlement, and cooperative efforts.

In the subsequent discussion, delegates exchanged views on IUU fishing, MPAs, implementation of sustainable fisheries, and scientific data. Several delegations reiterated their commitment to combat IUU fishing. Garcia maintained that MPAs can be useful tools both for protecting biodiversity and for fisheries management. While some States questioned the sufficiency of present legal framework for fisheries management, the US called for the implementation of existing legal instruments. On emerging issues, New Zealand drew attention to fisheries ethics, risk management, and animal welfare. A summary of these presentations and discussions is available online at:

<http://www.iisd.ca/vol25/enb2515e.html>

COMMERCIAL AND LARGE-SCALE FISHING:

On Tuesday afternoon, Patrick McGuinness, Vice-Chair, International Coalition of Fisheries Associations, outlined steps taken by the fishing industry to minimize its ecological footprint. He emphasized that challenges facing sustainable fisheries include the absence of clearly defined property rights and the existence of flags of convenience. Participants then viewed a computer simulation of bottom trawling on seamounts.

Javier Garat, Secretary-General, Spanish Federation of Fisheries Organizations, presented the position of Spanish long-distance fishing companies on the contribution of fisheries to sustainable development. Stressing the problem faced by the fishing industry when competing with IUU fishing companies, he suggested the use of trade incentives against illegal fish products. Garat favored a case-by-case approach for restrictive measures on fishing activities, rather than legislative instruments such as moratoria.

Matthew Gianni, international fisheries consultant, underlined that high seas fisheries are unregulated in the majority of oceans, calling for a prohibition on bottom trawling on the high seas in areas not yet covered by RFMOs. In relation to IUU fishing, he called for the adoption of regulations on sea transshipment.

The ensuing discussion focused on labor issues, conservation measures, IUU fishing, high seas bottom trawling, moratoria as a fisheries management tool, and RFMOs. Canada called for addressing the incentives and disincentives for IUU fishing, and the US suggested reducing subsidies that lead to overexploitation and establishing stronger vessels monitoring systems to combat IUU fishing. ITWF remarked that disrespect for social rights is not limited to vessels flying flags of convenience. A summary of these presentations and discussions is available online at:

<http://www.iisd.ca/vol25/enb2515e.html>

ARTISANAL AND SMALL-SCALE FISHING: On Wednesday morning, Fábio Hazin, Director, Fisheries and Aquaculture Department Universidade Federal Rural de Pernambuco, briefed participants on artisanal and small-scale

fisheries' contribution to sustainable development, in particular through GDP growth, tax generation, and employment creation.

Sidi El Moctar Ould Mohamed Abdallahi, Head of Coastal Fisheries Development, Ministry of Fisheries and Maritime Economy, Mauritania, presented on coastal and small-scale fishing in Mauritania, emphasizing the importance of fisheries to economic development, poverty reduction and food security. He outlined conservation measures in the fishing sector, including the establishment of a license system, biological rest periods and catch limits.

Following the presentations, delegates discussed issues pertaining to fisheries management approaches, technology transfer, fisheries and sustainable development, scientific information, IUU fishing, and small-scale and industrial fisheries. Many countries called for the definition of small-scale fishing. Canada advocated involving local communities in small-scale fisheries' decision making. To enhance small-scale fisheries management and alleviate poverty, Indonesia called for international and regional cooperation. New Zealand, Mexico and Namibia called for the abolition of fisheries subsidies, with Hazin adding that developing countries should have the right to use subsidies to develop their fishing industries. A summary of these presentations and discussions is available online at: <http://www.iisd.ca/vol25/enb2516e.html>

SCIENTIFIC AND CIVIL SOCIETY PERSPECTIVE ON FISHERIES AND THEIR CONTRIBUTION TO SUSTAINABLE DEVELOPMENT: On Wednesday afternoon, Boris Worm, Assistant Professor in Marine Conservation Biology, Biology Department, Dalhousie University, outlined the global decline of large predatory fish, and identified industrialized fishing and habitat destruction as driving causes.

Callum Roberts, Professor, Marine Conservation Biology, Environment Department, University of York, called attention to the contribution of MPAs to sustaining ecosystem services and fisheries, including: recovery of fish stock's size; abundance, reproduction and resilience; and increased fish catches and profitability for both artisanal and industrial fishing activities.

Sebastian Mathew, Programme Advisor, International Collective in Support of Fishworkers, India, stressed that fisheries constitute an important source of livelihood and employment, especially for women, and outlined measures to improve fisheries' contribution to sustainable development, including: protecting traditional fishing grounds; reducing land-based pollution; and eliminating trade barriers and fisheries subsidies in developed countries.

Karen Sack, Oceans Policy Advisor, Greenpeace International, on behalf of the NGO Community, underscored the need for effective regulation of the high seas. Observing that only one percent of the deep sea has been explored, and that three new marine species are discovered each week, she reiterated the NGO community's call for urgent protection of the oceans for future generations.

In the ensuing discussion, delegates raised issues in relation to MPAs and high seas management, scientific data, fisheries management, and sustainable development. Many participants acknowledged that enforcement must be secured for MPAs to be effective, while Argentina and Canada called attention to the difficulty to ensure compliance with high seas MPAs. Roberts



deemed new legal instruments as key to deal with IUU fishing on the high seas. A summary of these presentations and discussions is available online at: <http://www.iisd.ca/vol25/enb2516e.html>

DISCUSSION PANEL ON MARINE DEBRIS

This discussion panel took place on Wednesday and Thursday and addressed intergovernmental and non-governmental perspectives and national approaches.

INTERGOVERNMENTAL AND NON-GOVERNMENTAL PERSPECTIVES: On Wednesday, Seba Sheavly, Director, Office of Pollution Prevention and Monitoring, Ocean Conservancy, reported on her organization's international coastal cleanup campaign targeting marine debris. On reducing marine debris, Sheavly emphasized stakeholder engagement and data collection and monitoring. Cees Van de Guchte, Senior Programme Officer, UNEP Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (UNEP/GPA) Coordination Office, noted that most marine debris end up on the seabed, and called attention to the 2005 UNEP analytical overview of sustainable management of marine litter.

In the ensuing discussion, the IMO outlined the existing legal framework on marine debris and the prevention of pollution from ships, and Canada enquired about best practices in waste management programmes in remote communities. A summary of the presentations and discussion is available online at: <http://www.iisd.ca/vol25/enb2516e.html>

NATIONAL APPROACHES: On Thursday, delegates heard keynote presentations on national approaches to marine debris. Thomas Cowan, Director, Northwest Straits Commission, highlighted the aims of the Marine Conservation Initiative's derelict fishing gear removal project. 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. 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.

Following the presentations, participants discussed the importance of addressing marine debris, education and awareness raising, the role of the private sector, participation, legal framework, management tools, and gear recovery. A summary of these presentations and discussion is available online at: <http://www.iisd.ca/vol25/enb2517e.html>

ELEMENTS TO BE CONSIDERED BY THE GENERAL ASSEMBLY

A draft Co-Chairs' text, based on plenary and discussion panel debates and containing proposed elements to be suggested to the General Assembly for consideration, was discussed on Friday. The draft was divided into three parts: fisheries and their contribution to sustainable development; marine debris; and cooperation and coordination. The part on fisheries contained an introduction and sections on: regional fisheries management organizations and arrangements (RFMOs-A); small scale fisheries; flag and port State responsibilities and obligations; IUU fishing; conservation and management of marine living resources; information and science; and capacity building.

The part on fisheries was distributed to delegates on Thursday afternoon, while the two other parts were circulated on Friday. As negotiations on the elements on fisheries extended into the night, delegates did not have time to address the sections on marine debris and cooperation and coordination. Co-Chair Burgess indicated that the latter sections would be forwarded to the General Assembly as non-negotiated documents.

FISHERIES AND THEIR CONTRIBUTION TO SUSTAINABLE DEVELOPMENT: Introduction: This section notes that the sixth meeting of the Consultative Process organized its discussions around fisheries and their contribution to sustainable development, and marine debris, noting that conventional approaches to fisheries management have to be improved. On applying the FSA to discrete stocks in the high seas, Chile noted that these stocks are already addressed in UNCLOS, and opposed specific references to FSA articles. New Zealand underscored the link between fisheries subsidies and sustainable development and, echoed by a number of countries, proposed adding a reference to the importance of the fishing sector to developing countries. As Japan opposed the whole paragraph, Co-Chair Burgess suggested, and delegates agreed, using language from the JPOI. Stressing the negative impacts of commercial fishing on sustainable development, Chile and Canada endorsed eradicating unilateral obstacles on trade in fish products. The US disagreed, deeming unilateral obstacles necessary.

Final Text: In the introduction, UNICPOLOS notes the need to address the problems facing many global fisheries, welcoming the work of the FAO and its Committee on Fisheries (COFI) and the call to implement instruments to ensure responsible fisheries. The Consultative Process proposes that the General Assembly:

- encourage States, as appropriate, to recognize that the general principles in the FSA should also apply to high seas fish stocks;
- encourage States to eliminate subsidies that contribute to IUU fishing and to over-capacity, while completing the effort undertaken at the World Trade Organization (WTO) to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries; and
- take into account the importance of fisheries products for developing countries and urge States to eliminate obstacles imposed on trade on fish products that are not consistent with WTO obligations.

Regional fisheries management organizations and arrangements: This section relates to the role of RFMOs-A and arrangements in sustainable fisheries governance, their strengthening and the review of their performance.

In relation to RFMOs' role, Argentina, supported by Mexico, opposed the use of the phrase "oceans governance," arguing that it is too wide a concept in the context of fisheries. The US suggested, and delegates agreed, to use the phrase "conservation and management" instead. On the enhancement of RFMOs' membership, China opposed referring to "entities" without defining them, and agreed to a suggestion by Co-Chair Burgess to use the language of UNGA resolution 59/24.

On the improvement of the performance of RFMOs, the US, supported by Canada, suggested adding language encouraging



the expansion of their mandates to include ecosystem-based management and biodiversity considerations. India, supported by Brazil, preferred calling for the use of an integrated approach. The interested parties met informally to negotiate consensus language. Delegates adopted the text that refers to ecosystem and biodiversity considerations and the precautionary approach.

On the review of RFMOs' performance, Norway proposed alternative text on a review by States and the RFMOs themselves, rather than calling for the establishment of a periodic global review. He also suggested welcoming the involvement of the FAO in the development of general criteria for such reviews. Australia agreed, but preferred replacing "criteria" by "objectives". Delegates agreed to the Norwegian proposal, as amended by Australia.

Final Text: The Consultative Process notes the key and evolving role that RFMOs-A play in ensuring effective and sustainable fisheries management and conservation, and proposes the General Assembly:

- call upon States and entities referred to in UNCLOS and the FSA, fishing in areas of their competence, to become members or to agree to apply their management and conservation measures;
- welcome and encourage efforts to improve RFMOs' performance, including filling gaps in their mandates to include ecosystem and biodiversity considerations, applying the precautionary approach, and using best scientific information;
- urge further coordination and cooperation among regional fisheries bodies, regional seas arrangements and other relevant organizations; and
- encourage States through their participation in RFMOs to initiate processes for their review, and welcome the involvement of FAO in the development of general objective for such reviews.

Small-scale fisheries: This section addresses the ways small-scale fisheries contribute to poverty alleviation, policy development, and capacity building for developing countries and small island developing States (SIDS).

On artisanal and small-scale fisheries' contribution to poverty alleviation, Mexico suggested, and delegates agreed, to mention the role of all fisheries. On FAO's work in developing guidance on strategies to create an enabling environment for small-scale fisheries, India proposed, and delegates agreed, to mention the need to create alternative livelihoods for coastal communities.

On the participation of small-scale fisheries stakeholders in related policy development, the US proposed, and delegates agreed, to add a reference to the duty of States to ensure conservation and management of fisheries resources. On technical assistance, New Zealand proposed and delegates agreed to additional text on ensuring environmental sustainability.

Final Text: In the final text, the Consultative Process recognizes that fisheries, including artisanal or small-scale fisheries, can contribute significantly to poverty alleviation, food security and economic growth, and calls on the General Assembly to:

- welcome the work of the FAO in developing guidance on the strategies and measures required for the creation of an enabling environment for small-scale fisheries, including development of Code of Conduct Guidelines on Enhancing the Contribution of Small-Scale Fisheries to Poverty Alleviation and Food Security;
- urge States and relevant organizations to provide for greater participation of small-scale fisheries stakeholders in related policy development and fisheries management strategies, consistent with the duty to ensure the proper conservation and management of these fisheries resources; and
- encourage increased capacity building and technical assistance by States, international financial institutions and relevant intergovernmental organizations and bodies for fishers, in particular small-scale fishers in developing countries and SIDS.

Flag and port State responsibilities and obligations:

This section deals with the definition of the "genuine link" between flag States and vessels flying their flag. It addresses the relationship between flag and port State obligations and sustainable oceans management.

On the clarification of the "genuine link," the EU, supported by Australia, suggested referring to the IMO's and FAO's work on this matter. Norway introduced new text on work to develop guidelines on flag state performance and evaluation in relation to high seas fishing vessels. The EU, supported by Argentina, noted that the evaluation of flag State performance should be carried out by the relevant international organizations. The Norwegian proposal was adopted, as amended by the EU.

Delegates disagreed on who has responsibility to take conservation measures to protect the fisheries resources of the high seas. Argentina suggested mentioning that it is the States' obligation to adopt such measures, while Norway proposed adding that States should take these measures through RFMOs where they exist. Canada suggested, and delegates agreed to, compromise language referring to States' obligations under UNCLOS and the FSA.

On the application of the FAO Port State Model Scheme, Australia proposed, and delegates agreed, adding language on its application through RFMOs and the possibility of adopting a legally binding instrument.

On the establishment of lists of vessels fishing within areas covered by RFMOs-A, Japan suggested specifying that these should be of "authorized" vessels. Australia proposed, and delegates agreed, to refer to "positive and negative" lists, in accordance with FAO practice.

On the tracing of IUU fish and fish products, Mexico suggested, and delegates agreed, adding reference to the promotion of fish and fish products that are in conformity with international rules.

Final Text: The Consultative Process recognizes the gap in implementation and enforcement of flag State responsibilities and its impact on oceans governance, and proposes that the General Assembly:

- reiterate the importance of clarifying the role of the "genuine link" and note the IMO's ongoing work in cooperation on the matter;



- recall the appeal made in the FAO Ministerial Declaration of 12 December 2005 to take international action to eliminate IUU fishing vessels flying flags of convenience;
- encourage work to develop guidelines on flag State performance in relation to high seas fishing vessels that can be used by relevant international organizations as criteria for evaluating flag State performance;
- emphasize the obligations of States to adopt conservation and management measures for fisheries resources under UNCLOS and the FSA;
- encourage States to apply the FAO Port State Model and promote its application through RFMOs, and consider the possibility of adopting a legally binding instrument;
- call upon States to promote the establishment of negative and positive lists of vessels fishing within the area covered by RFMOs-A;
- request States and relevant international bodies in consultation with the WTO and FAO to develop effective measures to trace fish and fish products to enable importing States to distinguish against fish and products caught in a manner that undermines agreed international conservation and management measures, and to recognize the importance of effective market access for fish and fish products in conformity with such rules;
- call upon States and RFMOs to prevent transshipment of fish caught by IUU fishing vessels;
- encourage work of the ILO on the Convention and Recommendation Concerning Work in the Fishing Sector; and
- welcome the adoption of the revised Code for Safety of Fishermen and Fishing Vessels.

IUU fishing: This section addresses the fact that IUU fishing continues to undermine the contribution of responsible fisheries to sustainable development. To ensure better data collection, New Zealand suggested establishing an institutional framework to support fisheries enforcement agencies in developing countries, while Argentina advocated removing reference to developing countries, to avoid singling out any country. On the development of a global register for high seas vessels, Canada suggested adding a reference to “beneficial owners,” while Japan, supported by the US, proposed using the language of the FAO Rome Ministerial Declaration. Mexico suggested, and delegates agreed, adding language on the establishment of tracking mechanisms to facilitate the identification of products deriving from IUU activities. Regarding the establishment of guidelines for sanctions to ensure responsible fishing, Iceland, opposed by Argentina, proposed this be carried out within RFMOs. Canada suggested referring to “regional guidelines for States.” New Zealand favored using “penalties” instead of “sanctions” to avoid confusion with trade sanctions. Following Norway’s proposal, delegates agreed to retain sanctions, as this allows for a more comprehensive approach.

Final Text: UNICPOLOS-6 proposes that the General Assembly:

- welcome and support the 2005 Rome Ministerial Declaration on IUU fishing as well as the Ministerial Declaration adopted at the May 2005 Conference on Governance of High Seas Fisheries and FSA – Moving from Words to Action;
- urge States, individually and through RFMOs-A to establish mandatory vessel monitoring, control and surveillance (MCS)

- systems, and to give consideration to transforming the existing voluntary MCS-network into an international unit that can assist fisheries enforcement agencies;
- encourage and support the development of a comprehensive global record of fishing vessels within the FAO that incorporates available information on beneficial ownership, and ensures that all large-scale fishing vessels operating on the high-seas be required by their flag State to be fitted with vessel monitoring systems no later than December 2008;
- urge States and relevant organizations to expand the use of negative vessel lists to identify products from IUU catches, and when possible, establish tracking and verification mechanisms to do so; and
- encourage the establishment of regional guidelines for States to use in establishing sanctions for non-compliance by their vessels to deter further violations and deprive offenders of the benefits accruing from their illegal activities.

Conservation and management of marine living resources: This section deals with the protection of vulnerable marine ecosystems, including in the high seas.

Japan and the US proposed, and delegates agreed, to delete a reference in the chapeau to the threats faced by deep-water fisheries. Positions were polarized on reference to scientific evidence on the damage caused by bottom trawling. The Russian Federation and Canada suggested deleting the reference; New Zealand and Costa Rica wanted to retain it. The other contentious issue was the way to regulate the impact of fishing activities on vulnerable marine ecosystems. Argentina opposed language implying that States have the duty to address this issue only through regional mechanisms, while Iceland insisted on maintaining the regional dimension. New Zealand and Costa Rica suggested calling on States to take immediate measures, including interim moratoria on bottom trawling. Australia and Canada underlined the problems in implementing moratoria. Delegates did not reach agreement on either of these issues and the draft language was deleted. On the protection of vulnerable ecosystems by RFMOs, Australia suggested, and delegates agreed, to include reference to spatial and temporal measures.

Concerning criteria on management of MPAs, Australia, supported by Mexico, New Zealand, Canada, and the EU, suggested adding language encouraging progress and development of technical guidelines for MPA implementation.

On cooperation mechanisms, Canada suggested, and delegates agreed, to include language on the adoption of interim targeted protection mechanisms for vulnerable marine ecosystems, such as seasonal closures in vulnerable areas. On the implementation of measures to reduce sea turtle mortality in fishing operations, Japan, opposed by the US and Costa Rica, suggested deleting language on preventing the extinction of leatherback and loggerhead turtles, highlighting lack of scientific basis. Delegates agreed to compromise language proposed by the US, which removed specific mention of the extinction of leatherback and loggerhead turtles, and of measures to be taken in the Pacific.

Mexico’s proposal for a new subparagraph on certification and ecolabeling was opposed by Australia, in the absence of previous discussions on ecolabeling. Argentina stressed the need



to be consistent with WTO law. Canada proposed, and delegates agreed to, compromise language acknowledging the role of ecolabeling schemes.

Final Text: The Consultative Process reaffirms the importance of paragraphs 66-69 of UNGA resolution 59/25, urges accelerated progress in implementing its elements, and proposes that the General Assembly:

- welcome progress made on the expansion of the competence of existing RFMOs or the establishment of new RFMOs;
- request RFMOs-A with existing competency to implement spatial and temporal-based measures to protect vulnerable marine ecosystems as a matter of urgency;
- encourage progress to establish criteria on the objectives and management of MPAs for fisheries and welcome the proposed work of the FAO to develop technical guidelines on implementation of MPAs and urges close coordination and cooperation with relevant international organizations including the CBD;
- call for States to urgently accelerate their cooperation in establishing interim targeted protection mechanisms for vulnerable marine ecosystems in regions where they have an interest in conservation and management of fisheries resources;
- request States and RFMOs-A to report on actions pursuant to paragraphs 66-69 of UNGA resolution 59/25, when it reviews progress in 2006, and consider further recommendations for action;
- request RFMOs-A to urgently implement all measures recommended in the FAO guidelines to help prevent the decline of all species of sea turtles; and
- acknowledge the important role of certification and ecolabeling schemes, which should be consistent with the WTO and guidelines adopted by the FAO.

Information and science: This section contains proposals on enhancing science and information on fisheries.

On timely and comprehensive reporting of catch and effort data, New Zealand proposed including reference not only to bycatch, but also to straddling stocks and discrete high seas stocks. The US suggested adding “discard.” The subparagraph was approved with these amendments.

On the incorporation of data into the Global Earth Observation System of Systems (GEOSS), Japan and others requested clarification on the nature of the GEOSS and its impact on the work of FAO on fish statistics. The US noted that GEOSS is a coordinating mechanism that would not interfere with FAO work. Delegates did not agree on this subparagraph due to time constraints.

Argentina proposed, and delegates approved, new text commending the work of the UNESCO IOC Advisory Group of Experts on the Law of the Sea, which was approved without amendment.

Final Text: UNICPOLOS proposes that the General Assembly:

- call for more timely and comprehensive reporting of catch and effort data, including straddling stocks, discrete high seas stocks, bycatch, and discard;
- encourage enhanced science for conservation and management measures that incorporate ecosystem considerations; and

- request further studies and consideration of the impacts of ocean noise on fisheries and living marine resources.

Capacity building: This section contains proposals on capacity building to realize the benefits from the sustainable development of fisheries resources.

Delegates agreed on a proposal by Namibia to refer particularly to least developed countries (LDCs), SIDS, and coastal African States in the chapeau and on the participation of developing countries in fisheries activities undertaken in their exclusive economic zones (EEZs) by distant water fishing nations. On assistance to developing countries in implementing agreements, instruments and tools for the conservation and sustainable management of fish stocks, Mexico proposed, and delegates agreed on, including language on the elaboration and establishment of such instruments.

Final Text: UNICPOLOS proposes that the General Assembly:

- encourage the international community to enhance participation of LDCs, SIDS and coastal African States in fishing activities undertaken in their EEZs by distant water fishing nations;
- request distant water fishing nations, when negotiating access agreements with developing coastal States, to assist the realization of the benefits from the development of fisheries resources; and
- encourage greater assistance to developing countries in designing, establishing and implementing agreements and tools for the conservation and sustainable management of fish stocks.

MARINE DEBRIS: Delegates did not have time to negotiate the Co-Chairs’ proposed elements on marine debris and the draft will be forwarded to the General Assembly as a non-negotiated document.

The draft chapeau recognizes that marine debris is a global transboundary problem and threatens, *inter alia*, human health, marine biodiversity, fish stocks, and marine habitats.

In the draft, UNICPOLOS proposes that the General Assembly:

- note the lack of information and data concerning marine debris and encourage relevant organizations to undertake further studies on the issue;
- encourage States to develop partnerships with industry and civil society to raise awareness of the impacts of marine debris on the marine environment;
- urge States to integrate the issue of marine debris within national strategies dealing with recycling, reuse and reduction, and promote the development of appropriate economic incentives to this issue;
- encourage States to cooperate to develop and implement joint presentation and recovery programmes;
- recognize the need to build capacity in developing countries, noting the particular vulnerability of SIDS to the impact of marine debris;
- invite the IMO to review Annex V of the MARPOL Convention and to assess its effectiveness in addressing sea-based sources of marine debris;
- welcome the IMO’s continuing work relating to port waste reception facilities;



- welcome the convening of the Second Intergovernmental Review of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA) as an opportunity to discuss marine debris; and
- request that UNICPOLOS undertake a review of marine debris within five years.

In the draft, UNICPOLOS also proposes that the General Assembly encourage close cooperation and coordination between relevant international and regional organizations and stakeholders to address the issues of lost and discarded fishing gear and marine debris through, *inter alia*:

- analysis of implementation and effectiveness of existing measures on the control and management of derelict fishing gear;
- establishment and maintenance of national inventories of net types;
- establishment of a clearing house mechanism to facilitate information sharing among States on fishing net types;
- assessment of relevant preventive measures, incentives and disincentives;
- awareness-raising within RFMOs; and
- consideration by FAO COFI at its next meeting.

COOPERATION AND COORDINATION: The draft takes note of the report provided by the Executive Secretary of the IOC, coordinator of UN-Oceans, outlining progress on the establishment and work of UN-Oceans. In the draft, the Consultative Process proposes that the General Assembly:

- welcome the work of secretariats of UN agencies and programmes, and of relevant international conventions, to enhance inter-agency coordination and cooperation on oceans issues through UN-Oceans; and
- encourage States to work closely with international organizations and UN agencies to identify emerging areas of focus for improved coordination and cooperation.

CLOSING PLENARY

On Friday morning, the plenary heard statements on areas for concern and action needed. At the end of the morning session, delegates started negotiating the draft proposal by the Co-Chairs of the meeting's elements to be suggested to the General Assembly. The negotiations resumed in the afternoon, and carried on late into the night, until the conference room's sound system was shut down.

Echoing comments by Canada and Australia, Co-Chair Burgess lamented the fact that, for the first time, UNICPOLOS had not completed its agenda as the draft elements on marine debris and on cooperation and coordination had not been negotiated. He stated that the Consultative Process can make a difference for better oceans management and closed the meeting at 12:17 am on Saturday, 11 June 2005.

The final report of the meeting will include: the elements to be submitted to the UN General Assembly adopted by consensus; the non-negotiated draft elements to be submitted to the UN General Assembly; a Co-Chairs' summary of discussions; and additions and amendments to issues that could benefit from attention in future work of the General Assembly, as contained in Part C of the report of UNICPOLOS-4. This final report will be available online, by 10 July 2005, on the UN DOALOS website at: <http://www.un.org/Depts/los>

A BRIEF ANALYSIS OF UNICPOLOS-6

*"On such a full sea are we now afloat
And we must take the current when it serves
Or lose our Venture."*

JULIUS CAESAR, William Shakespeare

Participants welcomed the focus of the sixth meeting of the UN Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS-6 or Consultative Process) on fisheries and their contribution to sustainable development and marine debris as a highly relevant and ambitious agenda. Yet, despite the best intentions of everyone involved, the agenda proved difficult to keep on track. As a result, during Friday night's negotiating marathon, time ran out before delegates could tackle the issue of marine debris, thus failing to complete its agenda for the first time.

For some a "half-outcome," for others the proverbial half-full glass, the consensus reached by delegates still marked progress on a number of controversial aspects of the fisheries agenda. Overall, in response to the broadly acknowledged need for urgent action, delegates focused much of their attention on the management of the resources and biodiversity of the high seas.

This brief analysis will address the new and recurring items discussed during UNICPOLOS-6, examine the debate on the appropriate framework for the protection and management of the oceans, and look ahead to the future of the Consultative Process, now at the end of its second mandate.

PLUMBING THE DEPTHS

The discussions on the contribution of fisheries to sustainable development got the lion's share of delegates' attention during Friday's negotiations, eclipsing consideration of marine debris and on cooperation and coordination. Fisheries allowed for a transition from UNICPOLOS-5's focus on new sustainable uses of the oceans to some of the emerging challenges in relation to traditional use, such as fishing. Indeed, as lamented by Namibia, participants centered on sustainable fisheries management, rather than on fisheries' contribution to sustainable development, which brought back to the table the subjects of high seas biodiversity, illegal, unreported and unregulated (IUU) fishing, and bottom trawling, familiar to UNICPOLOS-5 participants. This sense of *déjà vu* led some to wonder whether reiterated statements on the threats to high seas resources would finally give rise to action. Some NGOs saw this as evidence that the protection of high seas biodiversity has become a standing element on the international oceans agenda.

Among the new items addressed by UNICPOLOS-6, underwater noise pollution and the protection of sea turtles, two concerns voiced by the NGO community, elicited some positive support and were reflected, albeit to a limited extent, in the negotiated text. Marine debris was widely recognized as an area for global action, and many deplored the time constraints that prevented negotiation on this agenda item. As noted by Australia, the issue of marine debris "has no home," as it is not fully addressed by any current international initiative. However, UNICPOLOS-6's Discussion Panel raised awareness on this matter, ensuring that debris will be picked up by the General Assembly in the fall.



Whether discussing newly identified or long-standing threats to the marine environment, delegates' task came down to determining the most practical and immediate management tools. While industry and some countries, such as Japan, Canada and Norway, called for targeted measures to be decided on a case-by-case basis, civil society groups reiterated their call for the adoption of interim moratoria on high seas bottom trawling as an application of the precautionary principle. Once again, the debates echoed that of UNICPOLOS-5, when the request for such a moratorium was first discussed in this forum. It soon became clear that moratoria would not gather consensus this time around either, despite growing support by a number of States. A reference to the increasingly compelling scientific evidence of ecosystem damage by bottom trawling in the negotiated text offered an opportunity, late on Friday, for Costa Rica and New Zealand to propose language on the moratorium. However, the Russian Federation and Iceland, among others, opposed reopening the debate on this issue at all. Notwithstanding the amount of time spent at UNICPOLOS-6 on this contentious item, any mention of it was eventually deleted from the negotiated elements due to these irreconcilable positions.

The choice between prioritizing the development of new international instruments and concentrating efforts on fully implementing existing treaties resurfaced throughout the week. This debate was further complicated by the economic interests at stake and the stark contrast between fisheries- and biodiversity-centered perspectives on the Consultative Process' agenda. These positions were reflected during the discussion on IUU fishing and marine protected areas (MPAs). Delegates debated whether MPAs would benefit both the conservation of fisheries and biodiversity, particularly in the high seas. While some delegations called for the negotiation of a global treaty on integrated MPAs in the high seas, others stressed that enhanced enforcement of existing international instruments would effectively deal with major threats to the marine environment.

With regards to IUU fishing, proposals ranged from developing guidelines on market-based penalties and incentives, to calling for an international process to define the genuine link between flag States and vessels or for the negotiation of a binding instrument on port State measures. In the end, among the successes of UNICPOLOS-6 one should certainly count the agreed elements on the possibility of adopting a legally binding instrument on port State control, the call for arrangements to establish mandatory vessel monitoring, control and surveillance systems for the development of regional guidelines for States on sanctions for non-compliance, and for the development of a comprehensive global record of fishing vessels within FAO.

ALL HANDS ON DECK

The debate on management tools and instruments led to another, concomitant question: which level of action – regional or global – is more appropriate? Much attention at UNICPOLOS-6 was devoted to the role of regional fisheries management organizations (RFMOs), with regard not only to sustainable fisheries governance but also the conservation and management of oceans and their resources. Some delegations repeatedly called for the establishment of new RFMOs, and to expand the mandate of existing ones, through the application of an ecosystem approach. Other participants highlighted that

creating new RFMOs is a time-consuming endeavor that would fail to address the urgent need for action. Supported by NGOs, they also questioned the effectiveness of existing RFMOs, the lack of transparency of their decision-making or lack of homogenous use of science.

The compromise language on RFMOs marks another success of UNICPOLOS-6, whereby States are urged to fill gaps in RFMOs' mandates to include ecosystem and biodiversity considerations and the precautionary approach. Despite the recognition of the link between fisheries governance and oceans management, reflected throughout the negotiated elements proposed for consideration by the General Assembly, diverging views remain as to whether the most appropriate venues to address the protection of marine ecosystems are RFMOs, as opposed to global frameworks. For example, Argentina strongly urged the involvement of the International Seabed Authority in the areas of MPAs and bottom trawling, whereas Iceland generally preferred regional approaches to oceans management.

Discussions on possible actions at the global level during UNICPOLOS-6 were complicated by concurrent negotiations on oceans-related issues in other fora, such as the Convention on Biological Diversity (CBD), the World Trade Organization, the Convention on International Trade in Endangered Species, the Food and Agriculture Organization, the International Maritime Organization, and the United Nations Environment Programme. On the establishment of MPAs in the high seas, positions diverged, due to the diverse understanding of the role and mandate of two ongoing international processes, namely: the CBD Working Group on Protected Areas, whose first meeting is scheduled to begin on 13 June 2005, and the *Ad Hoc* Open-ended Informal Working Group, established by the General Assembly, to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, expected to meet in February 2006. For some countries, given the limited mandate of the CBD to areas under national jurisdiction, UNICPOLOS is the right forum to provide some guidance on MPAs. For others, language on MPAs in the negotiated outcome of the Consultative Process would prejudice the future work of the CBD Working Group. Because of these diverging views, for a moment on Friday night, MPAs risked being dropped from the negotiated text altogether, but eventually delegates agreed on encouraging progress to establish criteria on the objectives and management of MPAs for fisheries, and urging close coordination and cooperation with relevant international organizations, including the CBD.

TRIMMING THE SAILS

As UNICPOLOS completed its second mandate, participants inevitably discussed its contribution to the international oceans agenda, and their conclusions were largely positive. All participants expressed their appreciation for the Consultative Process as a unique forum for policymakers, NGOs, industry and scientists. They supported the renewal of its mandate, yet highlighted the need for some improvements. On the one hand, high NGO participation reflects the Consultative Process' success in enabling concerns to be voiced and contentious issues to be addressed. Besides facilitating a widespread understanding of the urgency of marine issues, UNICPOLOS has been able to clearly identify differences between national positions, as pointed out



by Co-Chair Burgess. The non-negotiated Co-Chairs' summary, as a faithful reflection of the debate, clarifies the essence of the disagreement and may in this sense assist in attaining consensus in the General Assembly. On the other hand, he repeatedly questioned whether delegates were effectively tapping the panelists' expertise, rather than rehearsing for the General Assembly debates. Another identified area for improvement is the negotiated outcome of UNICPOLOS and the insufficient amount of time allocated to the negotiation of the draft elements for submission to the General Assembly. Several delegations proposed that future meetings start focusing on negotiations earlier on in the week or even attempt to draft resolutions to be reviewed by the General Assembly, rather than suggest elements for its consideration.

As UNICPOLOS-6 did not complete its agenda, the lack of negotiated outcome on the two sections on marine debris and on coordination or cooperation, and the unresolved question of regional versus global frameworks, caused by the little time allocated for negotiations, have been seen as the drawbacks of this meeting. However, the negotiated text still marks progress on several difficult aspects of the fisheries agenda, such as IUU fishing and RFMOs, and solidly links fisheries governance and the protection of the oceans. These positive steps reinforce the support for the renewal of the Consultative Process' mandate, but, having learned their lesson the hard way by burning the midnight oil on Friday, delegates are likely to devise an improved UNICPOLOS format for the years to come.

UPCOMING MEETINGS

SECOND GMA WORKSHOP: The second workshop concerning a regular process for the global reporting and assessment of the state of the marine environment, including socio-economic aspects (GMA) will take place from 13-15 June 2005, at UN headquarters in New York. For more information, contact: Division for Ocean Affairs and the Law of the Sea (DOALOS); tel: +1-212-963-3962; fax: +1-212-963-5847; e-mail: doalos@un.org; internet: http://www.un.org/Depts/los/global_reporting/global_reporting.htm

FIRST MEETING OF THE WORKING GROUP ON PROTECTED AREAS: The first meeting of the CBD *Ad Hoc* Open-ended Working Group on Protected Areas will be held from 13-17 June 2005, in Montecatini, Italy. For more information, contact: CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@biodiv.org; internet: <http://www.biodiv.org/doc/meeting.aspx?mtg=PAWG-01>

15TH MEETING OF THE STATES PARTIES TO UNCLOS: The States Parties to UN Convention on the Law of the Sea will meet from 16-24 June 2005, at UN headquarters in New York. For more information, contact: DOALOS; tel: +1-212-963-3972; fax: +1-212-963-5847; e-mail: doalos@un.org; internet: http://www.un.org/Depts/los/meeting_states_parties/fifteenthmeetingtatesparties.htm

57TH ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION: This meeting will take place from 20-24 June 2005, in Ulsan, Republic of Korea. For more information, contact: IWC Secretariat; tel: +44-1223-233-971; fax: +44-1223-232-876; e-mail: secretariat@iwcoffice.org; internet: <http://www.iwcoffice.org/meetings/meeting2005.htm>

UNECE SEMINAR ON THE SUSTAINABLE USE OF WATER-RELATED ECOSYSTEMS: This seminar will be held from 27-28 June 2005, in Geneva, Switzerland. Organized by the Water Convention Secretariat of the United Nations Economic Commission for Europe (UNECE), this seminar will address services and financing for the protection and sustainable use of water-related ecosystems. For more information, contact: Francesca Bernardini, UNECE; tel: +41-22-917-2463; fax: +41-22-917-0107; e-mail: francesca.bernardini@unece.org; internet: <http://www.unece.org/env/water/>

CBD WORKSHOP ON THE JOINT WORK PROGRAMME ON MARINE AND COASTAL INVASIVE ALIEN SPECIES: This Convention on Biological Diversity workshop will be held from 27-29 June 2005, in Montreal, Canada, and is jointly hosted by Secretariat of the CBD, the Global Invasive Species Programme, and the UNEP Regional Seas Programme. For more information, contact: CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@biodiv.org; internet: <https://www.biodiv.org/>

CBD AD HOC TECHNICAL EXPERT GROUP ON MARINE AND COASTAL BIODIVERSITY: This meeting will be held from 11-15 July 2005, in Montreal, Canada. For more information, contact: CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@biodiv.org; internet: <http://www.biodiv.org/meetings/>

COASTAL ZONE CONFERENCE 2005: This conference will take place from 18-21 July 2005, in New Orleans, US and will consider applicable tools, lessons learned, and innovative ideas to help address current coastal management issues. Aimed at coastal resource managers, this will be the 14th biennial coastal zone conference. For more information, contact: Rhonda Crawley, National Oceanic and Atmospheric Administration; tel: +1-843-740-1231; e-mail: Rhonda.Crawley@noaa.gov; internet: <http://www.csc.noaa.gov/cz/>

EUROPEAN MARINE BIOLOGY SYMPOSIUM: The 40th EMBS is scheduled to take place from 21-25 August 2005, in Vienna, Austria. Keynote speakers will introduce the two themes of the Symposium: Remote and inaccessible marine habitats and Advances in underwater observation and experimentation. For more information, contact: IECB - Institute for Ecology and Conservation Biology; tel: +43-1-4277 54 202; fax: +43-1-4277 54 339; e-mail: embs40@promare.at; internet: <http://www.promare.at/embs40/>

HIGH-LEVEL PLENARY MEETING OF THE 60TH SESSION OF THE UN GENERAL ASSEMBLY ON THE FOLLOW-UP TO THE OUTCOME OF THE MILLENNIUM SUMMIT: The Summit will take place from 14-16 September 2005, at UN headquarters in New York. The meeting is expected to undertake a comprehensive review of the progress made towards the commitments articulated in the UN Millennium Declaration. The event will also review progress made in the integrated and coordinated implementation of the outcomes and commitments of the major UN conferences and summits in the economic, social and related fields. For more information on the internet, go to: http://www.un.org/ga/59/hl60_plenarymeeting.html



FIRST INTERNATIONAL MARINE PROTECTED AREAS CONGRESS: This international congress will be held from 23-27 October 2005, in Geelong, Australia. The congress aims to address the World Commission on Protected Areas' Marine goal and primary themes, and advance discussion on their widespread adoption and implementation consistent with resolutions relevant to marine protected areas arising from the Durban World Parks Congress. For more information, contact: Congress Organizers; tel: +61-3-5983-2400; fax: +61-3-5983-2223; e-mail: sm@asnevents.net.au; internet: <http://www.impacongress.org/>

SECOND CONFERENCE ON WATER RESOURCES IN THE MEDITERRANEAN BASIN: This conference will take place from 14-17 November 2005, in Marrakesh, Morocco. This conference will cover topics such as: integrated water resources management and water use efficiency; global change and anthropogenic perturbations: effects on water resources; Mediterranean aquatic systems functioning; urban and domestic wastewaters; health-related water pollution; and environmental policy, regulation and implementation. For more information, contact: Lahcen Hassani, University Cadi Ayyad (Marrakesh) and University Hassan I (Settat); tel: +212-4443-4649 (ext. 517); fax: +212-4443-7412; e-mail: watmed2@ucam.ac.ma; internet: <http://www.ucam.ac.ma/fssm/watmed2/>

THIRD INTERNATIONAL SYMPOSIUM ON DEEP-SEA CORALS: This symposium will be held from 28 November - 2 December 2005, in Miami, US. Bringing together scientists, marine resource managers, policy makers, and students, this meeting aims to exchange scientific knowledge of deep-sea corals and associated fauna. For more information, contact: Robert Brock, NOAA; tel: +1-301-713-2367, ext. 162; fax: +1-301-713-1875; e-mail: Robert.Brock@noaa.gov; internet: <http://conference.ifas.ufl.edu/coral/>

SECOND MEETING OF THE WORKING GROUP ON PROTECTED AREAS: The second meeting of the CBD *Ad Hoc* Open-ended Working Group on Protected Areas will be held from 5-9 December 2005, in Montreal, Canada. For more

information, contact: CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@biodiv.org; internet: <http://www.biodiv.org/meetings/>

FIRST INTERNATIONAL CONFERENCE ON ENVIRONMENTAL CHANGE IN LAKES, LAGOONS AND WETLANDS OF THE SOUTHERN MEDITERRANEAN REGION: This conference, which will take place from 4-7 January 2006, in Cairo, Egypt, will take up: current status and environmental issues; field monitoring and environmental assessment; hydrology and climate; remote sensing and GIS techniques; modeling hydro-ecological dynamics; water management; and managing water resources for people and for biodiversity. For more information, contact: Dr. Roger Flower and Caroline Chambers, Environmental Change Research Centre; tel: +44 (0) 207 679 5545 / 4279; fax: +44 207 (0) 679 4293; info.ecollaw2006@geog.ucl.ac.uk; internet: <http://www.geog.ucl.ac.uk/melmarina/ecollaw2006/>

THIRD GLOBAL CONFERENCE ON OCEANS, COASTS AND ISLANDS: The third Global Forum on Oceans, Coasts and Islands will take place from 23-27 January 2006, in Paris, France. The Forum serves as a platform for cross-sectoral information sharing and dialogue on issues affecting oceans, coasts and islands, with the goal of achieving sustainable development in these areas. For more information, contact: Secretariat; tel: +1-302-831-8086; fax: +1-302-831-3668; e-mail: johnston@udel.edu; internet: <http://www.globaloceans.org/>

SECOND INTERGOVERNMENTAL REVIEW OF THE GLOBAL PROGRAMME OF ACTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT FROM LAND-BASED ACTIVITIES: The second Intergovernmental Review (IGR-2) of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA) will take place from 16-20 October 2006 in Beijing, China. For more information, contact the GPA Coordination Office, UNEP; tel: +31 (0)70 311 4460; fax: +31 (0)70 345 6648; e-mail: gpa@unep.nl; internet: <http://www.gpa.unep.org/>

Keep yourself posted on the outcomes of key environment and sustainable development conferences, and the latest environmental news, publications and notable online resources through IISD's news and announcement mailing lists!

CLIMATE-L is a news and announcement list service that focuses on the climate change policy process. Postings include breaking climate news, announcements of workshops/conferences, job listings, and information on new publications and online resources.

FORESTS-L is a peer-to-peer mailing list for news and announcements related to global forest policy issues.

WATER-L is a listserv for news and announcements related to water policy issues.

LINKAGES UPDATE keeps our some 30,000 subscribers informed of new additions to IISD's Linkages website. This html-enabled, e-mail newsletter is published fortnightly, and includes: top environmental news stories; updates on negotiations covered by the *Earth Negotiations Bulletin*; brief summaries of key international environment and sustainable development meetings; links to noteworthy publications and online resources; and a comprehensive calendar of upcoming meetings.

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A Daily Report from the International Conference for Renewable Energies

Published by the International Institute for Sustainable Development (IISD)

DAILY REPORTS AND WEB COVERAGE AT [HTTP://WWW.IISD.CA/SD/REN2004/](http://www.iisd.ca/sd/ren2004/)
VOLUME 95, No. 5, MONDAY, 7 JUNE 2004

SUMMARY REPORT OF THE INTERNATIONAL CONFERENCE FOR RENEWABLE ENERGIES - RENEWABLES 2004: 1-4 JUNE 2004

The International Conference for Renewable Energies (*renewables 2004*) took place from 1-4 June 2004, in Bonn, Germany. Approximately 3600 participants from 154 countries attended the Conference, including several Heads of State, 121 Ministers and representatives from governments, intergovernmental organizations (IGOs), non-governmental organizations (NGOs), the scientific community and the private sector.

The *renewables 2004* programme consisted of nine Plenary Sessions, including a Multi-Stakeholder Dialogue and a Ministerial Segment. The Multi-Stakeholder Dialogue addressed: the value of, and opportunities for, renewable energy - policy frameworks and regulatory certainty; and promoting renewable energy - finance and capacity for the future. Other Plenary Sessions addressed best-practice examples and success stories.

The Ministerial Segment included three Ministerial Roundtables that considered policies for renewable energy market development, financing options, and strengthening capacities, research and policy



Members of major groups and delegations in the main plenary room.

developing countries, and the mobilization of financial resources for new and renewable sources of energy. However, it was only following the 1992 UN Conference on Environment and Development (UNCED) that renewable energy issues began to feature more promi-

"IISD proved to be as professional as their reputation is. The group covered all events taking place at the conference venue itself as well as many side events which were located in the vicinity of the conference hall. IISD produced a well-designed bulletin including informative text and pictures of all important meetings, discussions and results of the main conference events. This bulletin was very useful for participants to follow events they could not attend or were also interested in. IISD also published plenty of information and photos on their web site. This service was a real added value to our own conference coverage. The services of IISD, being an independent organization, were especially appreciated by the conveners of the conference, ie the Federal Ministry for Economic Cooperation and Development and the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety"

Dr. Heinrich Schneider
Conference Secretariat
International Conference for
Renewable Energies, Bonn 2004

This product was developed in 2003 **specifically for large conferences that include both substantive discussions and side events.** Building on the success of the *Earth Negotiations Bulletin* and *ENB on the Side*, "*Your Meeting*" Bulletin was created as a conference daily report. **IISD Reporting Services** was hired to publish in this format at the World Forestry Congress, Renewables 2004 and the IUCN World Conservation Congress. "*Your Meeting*" Bulletin is a 4-6 page daily report and summary issue that includes coverage of policy discussions and/or negotiations, and extensive reporting from side events and special events during the conference.

For further information or to make arrangements for IISD Reporting Services to cover your meeting conference or workshop, contact the Managing Director:

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