

## SEVENTH MEETING OF THE UNITED NATIONS OPEN-ENDED INFORMAL CONSULTATIVE PROCESS ON OCEANS AND THE LAW OF THE SEA: 12-16 JUNE 2006

The seventh meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (Consultative Process or UNICPOLOS) opens today at UN headquarters in New York, and will continue until 16 June 2006. During the week, delegates will convene in plenary sessions to: exchange views on areas of concern and actions needed, including on issues discussed at previous meetings; discuss cooperation and coordination on oceans issues, especially as they relate to ecosystem approaches and oceans; and identify issues that could benefit from attention in future work of the General Assembly on oceans and the law of the sea. A discussion panel will be held to consider ecosystem approaches and oceans. The recommendations stemming from the meeting will be forwarded to the General Assembly at its 61st session for consideration under its agenda item entitled "Oceans and the law of the sea."

### A BRIEF HISTORY OF THE LAW OF THE SEA AND THE CONSULTATIVE PROCESS

On 1 November 1967, Malta's Ambassador to the UN, Arvid Pardo, asked the nations of the world to recognize a looming conflict that could devastate the oceans. In a speech to 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, UNCLOS sets forth the rights and obligations of States regarding the use of the oceans, their resources, and

the protection of the marine and coastal environment. The Convention, which entered into force on 16 November 1994, is supplemented by the 1994 Deep Seabed Mining Agreement, and the 1995 Agreement for the Implementation of the Provisions of UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA).

**UNCED:** The United Nations Conference on Environment and Development (UNCED) was held in June 1992, in Rio de Janeiro, Brazil. Chapter 17 of Agenda 21, the programme of action adopted in Rio, addresses "the protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources." This remains the fundamental programme of action for achieving sustainable development of oceans and seas.

**UNGA RESOLUTION 54/33:** On 24 November 1999, the General Assembly adopted resolution 54/33 on the results of the review undertaken by the Commission on Sustainable Development at its seventh session on the theme of "Oceans and seas." In this resolution, the General Assembly established an open-ended informal consultative process to facilitate the annual review of developments in oceans affairs. The General Assembly decided that the Consultative Process would consider the Secretary-General's annual reports on oceans and the law of the sea, and suggest particular issues to be considered by the General Assembly, with an emphasis on identifying areas where intergovernmental and inter-agency coordination and cooperation should be enhanced. The resolution further established the framework within which meetings of the Consultative Process would be organized, and decided that the General Assembly would review the effectiveness and utility of the Consultative Process at its 57th session.

**UNICPOLOS-1 to 3:** The first three meetings of the Consultative Process were co-chaired by Tuiloma Neroni Slade (Samoa) and Alan Simcock (UK). Each meeting identified issues to be suggested and elements to be proposed to the General Assembly, and highlighted issues that could benefit from its attention in its future work. The first meeting of the Consultative Process (30 May-2 June 2000, New York) held discussion panels addressing fisheries, and the impacts of marine pollution and degradation. The second meeting of the Consultative Process (7-11 May 2001, New York) focused on marine science and technology, and coordination and cooperation in

combating piracy and armed robbery at sea. The third meeting of the Consultative Process (8-15 April 2002, New York) held discussion panels on the protection and preservation of the marine environment, capacity building, regional cooperation and coordination, and integrated 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*, water pollution prevention for the protection of ecosystems; improved cooperation and coordination on oceans and coastal issues within the UN system; and the application by 2010 of the ecosystem approach to marine areas.

**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.

**UNICPOLOS 4-5:** These two meetings were co-chaired by Philip Burgess (Australia) and Amb. Felipe Paolillo (Uruguay). 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. 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.

**UNICPOLOS 6:** The sixth meeting of the Consultative Process (6-10 June 2005, New York), co-chaired by Philip Burgess (Australia) and Amb. Cristián Maquieira (Chile), adopted recommendations on fisheries and their contribution to sustainable development, and considered the issue of marine debris.

#### **INTERSESSIONAL HIGHLIGHTS**

**OCEAN POLICY SUMMIT 2005:** This Summit (11-13 October 2005, Lisbon, Portugal) took as its theme, "Integrated Ocean Policy: National and Regional Experiences, Prospects and Emerging Practices." Delegates met for eight panel discussions on various aspects of integrated ocean policy, including: the growing interest in integrated national and regional ocean policies; learning lessons from countries that have made the most progress to date; achieving cross-sectoral harmonization of ocean use and agencies; identifying principles for governance; and implementing an integrated policy and factoring in operational and financial considerations.

**UNGA RESOLUTION 60/30:** On 29 November 2005, the 60th session of the General Assembly adopted resolution 60/30 on "Oceans and the law of the sea", which extended the work of the Consultative Process for an additional three years. The General Assembly also requested that the Secretary-General

convene the seventh meeting of the Consultative Process from 12-16 June 2006, and recommended that the meeting focus its discussions on the topic "Ecosystem approaches and oceans."

The General Assembly also endorsed the conclusions of the second international GMA meeting and decided to launch the start-up phase of the "Assessment of Assessments" to be completed within two years, as a preparatory stage towards the establishment of the regular process. In addition the resolution establishes an organizational arrangement that includes an *Ad Hoc* Steering Group to oversee the execution of the "Assessment of Assessments", two UN agencies (UNEP and Intergovernmental Oceanographic Commission of UNESCO) to co-lead the process, and a group of experts.

**THIRD GLOBAL CONFERENCE ON OCEANS, COASTS AND ISLANDS:** At this conference (24-27 January 2006, Paris, France), participants engaged in a panel on "the status of oceans and coastal ecosystems and peoples and operationalizing ecosystem-based management" and addressed the topic of ecosystem management and integrated management of oceans and coasts, including regional cooperation, for input into UNICPOLOS 7.

**WORKING GROUP ON MARINE BIODIVERSITY BEYOND AREAS OF NATIONAL JURISDICTION:** The *Ad Hoc* Open-ended Informal Working Group of the General Assembly to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (13-17 February 2006, New York) agreed on the need for short-term measures to address illegal, unreported and unregulated (IUU) fishing and destructive fishing practices as the most urgent threats to marine biodiversity, as well as institutional coordination.

**FINAL MEETING OF THE HIGH SEAS TASK FORCE:** The High Seas Task Force (2-3 March 2006, Paris, France), which was established by a decision of the Organisation for Economic Cooperation and Development Round Table on Sustainable Development held on 6 June 2003, discussed and launched the Task Force's final report containing its proposals for action. The report entitled "Closing the Net – Stopping Illegal Fishing on the High Seas," identifies key measures that members will immediately begin to implement to address IUU fishing. It also proposes measures that members will endeavor to implement in collaboration with the wider global community to achieve more comprehensive solutions to this problem.

**UNICPOLOS INFORMAL PREPARATORY MEETING:** An informal preparatory meeting for UNICPOLOS-7 was held at UN headquarters in New York on 16 March 2006. Following this meeting and consultations with country delegations, a draft format and provisional agenda for the meeting was prepared (A/AC.259/L.7).

**FISH STOCKS REVIEW CONFERENCE:** The Review Conference of the UNFSA (22-26 May 2006, New York) adopted a final report that includes recommendations to achieve, *inter alia*: the integration of ecosystem considerations into fisheries management; the urgent reduction of the world's fishing capacity to levels commensurate with the sustainability of fish stocks; urgent strengthening of regional fisheries management organizations' mandates to implement precautionary and ecosystem approaches to fisheries management; development of a legally binding instrument on minimum standards for port State measures and a comprehensive global register of fishing vessels; and expanded assistance to developing countries.