

ICP-10 HIGHLIGHTS: THURSDAY, 18 JUNE 2009

The tenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (Consultative Process or ICP) reconvened in a discussion panel on the implementation of the outcomes of the Consultative Process, including a review of its achievements and shortcomings in its first nine meetings. In the morning, presentations were made and a discussion was held on outcomes of the Consultative Process and their implementation. Delegates then reconvened in plenary for a general exchange of views on the implementation of the outcomes of the Consultative Process. In the afternoon, delegates continued in plenary and then discussed ICP's format and methods of work. "The Bottom Line," a film on the impact of bottom trawling, was screened before the meeting adjourned.

DISCUSSION PANEL ON THE IMPLEMENTATION OF THE OUTCOMES OF THE CONSULTATIVE PROCESS INCLUDING A REVIEW OF ITS ACHIEVEMENTS AND SHORTCOMINGS IN ITS FIRST NINE MEETINGS

OUTCOMES OF THE CONSULTATIVE PROCESS AND THEIR IMPLEMENTATION: Presentations: Matthew Gianni, Political and Policy Advisor to the Deep Sea Conservation Coalition, provided a detailed outline of discussions from past ICPs that facilitated the creation and implementation of General Assembly resolution 61/105 of 2006, which relates to, *inter alia*, the management of high seas bottom fisheries. He said a number of states and RFMOs have adopted instruments to implement the resolution, noting, however, that there is still much work to be done towards the full implementation. He said that there are issues, including flags of convenience and non-compliance and ocean noise, which require additional and urgent attention from ICP. He emphasized that the world looks to the General Assembly for leadership on marine issues, and that ICP facilitates a detailed and efficient debate on these issues in the General Assembly.

Sebastian Mathew, Programme Adviser for the International Collective in Support of Fishworkers, highlighted several outcomes of the Global Conference on Small-Scale Fisheries in 2008, and suggested that sustainable fisheries can be realized if development and human rights of fishing communities are secured. He said the ICP should recommend that the General Assembly adopt a resolution to reaffirm the human dimensions of sustainable development of the oceans and seek greater coherence between integrated ocean management and human rights instruments.

Olajide Adeleke Ayinla, Executive Director of the Nigerian Institute for Oceanography and Marine Research, said sustainable management of the oceans and coasts in developing states requires capacity building of scientists and managers. He identified reasons for the lack of success of capacity building programmes in developing countries, including lack of participation of recipient governments and coordination among donors. He emphasized the unique role of the ICP in enhancing capacity building in ocean science through cooperation and coordination.

Andrew Hudson, Deputy Coordinator, UN-Oceans, identified capacity building programmes of UN-Oceans members that support the implementation of ICP outcomes, including: the Convention on Biological Diversity; the FAO; the World Bank; the PROFISH Partnership; the International Seabed Authority; the IMO; the Intergovernmental Oceanographic Commission; and DOALOS.

Discussion: Responding to TRINIDAD AND TOBAGO's suggestion that living marine resources be treated as a common heritage of mankind, Gianni hoped the General Assembly considers sanctions against states in non-compliance with international commitments. ARGENTINA said misinterpretations of General Assembly resolution 61/105 of 2006 during the ICP could lead to conflicting interpretations of exclusive jurisdiction of coastal states on their continental shelves. BRAZIL highlighted the limited attention to social issues as the reason it requested a review of ICP's functions.

AUSTRALIA said ICP can provide guidance, but that implementation is ultimately up to member states, with NIGERIA opposing attention to member state responsibilities without support for capacity building. Sudan, for G77/CHINA, stressed that sustainable development should have special status in the ICP.

The Joint Group of Experts on the Scientific Aspects of Marine Environment Protection (GESAMP) said many developing countries lack capacity for monitoring and enforcement of deep sea trawling, and felt that ICP can highlight this problem and establish programmes for implementation, with Gianni noting challenges in delineating responsibilities among coastal, port and flag states.

On cooperation and coordination, Blanco-Bazán noted collaboration of UN agencies on issues such as IUU fishing and stressed the need for agency coordination within countries. On the role of the ICP, he said it should contribute to General Assembly discussions, but should not interfere with the negotiations of other UN bodies.

On capacity building, Ayinla highlighted the continued importance of regional coordination; a demonstration of national commitment; and the need for prioritization and follow-up. Hudson acknowledged the need for increased transparency and access to UN-Oceans' documents, pledging to address this.

On addressing social dimensions in addition to economics and environment, Mathew called for a broader range of agency involvement, taking into account varying national contexts. Blanco-Bazán underscored IMO's proactive action on greenhouse gas emissions, and recent work strengthening flag state implementation.

FORMAT AND METHODS OF WORK OF THE CONSULTATIVE PROCESS: Discussion: BRAZIL provided an analysis of the agreed elements submitted to the General Assembly in the previous ICPs, noting that only a small fraction of them pertained to capacity building, transfer of technology and means of implementation. ARGENTINA, supported by CANADA and INDIA, stressed that topics of each ICP should be framed in a way that includes the sustainable development perspective. She highlighted the difference between identifying emerging issues and tackling them in the ICP. CANADA stressed that agreed elements should not be the sole measure of success. The UK asked whether ICP will be more effective by providing the General Assembly with issues to be negotiated or ready made text from a "natural consensus."

GHANA highlighted that before asking for assistance, states need national plans of action on capacity building. FIJI stated that the ICP has deepened its understanding not only of ocean issues but also governments, intergovernmental agencies and NGOs.

Gabriele Goettsche-Wanli, DOALOS, in response to information requests on which intergovernmental agencies are active on oceans issues, informed delegates that the secretariat provides an annual report to the General Assembly available online. Tarassenko then informed delegates that in accordance with paragraph 157 of resolution 63/111, the *Ad Hoc* Working Group of the Whole will convene in New York from 31 August to 4 September 2009.

PLENARY

GENERAL EXCHANGE OF VIEWS ON THE IMPLEMENTATION OF THE OUTCOMES OF THE CONSULTATIVE PROCESS, INCLUDING A REVIEW OF ITS ACHIEVEMENTS AND SHORTCOMINGS IN ITS FIRST NINE MEETINGS:

On improving ICP, AUSTRALIA suggested that topic selection be a standing ICP agenda item to be recommended to the General Assembly, and noted that ICP has been most effective when capital-based experts are included on panels and in delegations. The REPUBLIC OF KOREA agreed with the latter suggestion and highlighted its contribution to the trust fund in 2008. He said ICP has re-invigorated General Assembly debates on oceans and the law of the sea.

In his brief review of the ICP trust fund, Serguei Tarassenko, Director of DOALOS, noted that the current balance, USD\$66,894.82, does not cover existing demands. He urged delegations to make contributions to support panelists and delegations from developing countries.

INDONESIA recommended that themes for future ICPs should be decided when its mandate is renewed, and called for the outcome of the meeting to be a concise statement by the co-chairs, reflecting factual deliberations of the ICP. THAILAND highlighted its continuing effort to ratify UNCLOS as soon as possible to strengthen cooperation and coordination among stakeholders and intergovernmental agencies involved in ocean governance.

TANZANIA reiterated the call for increased capacity building and transfer of technology for developing countries to help with the implementation of UNCLOS. IUCN highlighted a number of the benefits of ICP, including: the capacity building aspect of presentations by invited scientific experts; the opportunity to explore the ecosystem approach; and that it serves as a unique venue for discussions.

In noting the benefits of the ICP, Hudson said it is a transparent, multi-stakeholder forum linked to the General Assembly that serves as an awareness raising mechanism for building the oceans agenda.

FAO highlighted the significant overlap between topics considered by ICP and FAO's core functions, but noted that ICP outcomes have supported FAO work. On ICP shortcomings, he lamented the limited capacity and political will for translating commitments into policy measures. UNEP introduced the Assessment of Assessments as a good example of UN-agency cooperation, and supported its recommendation for creating a regular process for assessing the state of the marine environment. SIERRA CLUB said ICP is the only forum on ocean issues where NGOs can interact with delegates and take the floor, and it has been critical for highlighting the impacts of ocean noise.

The OCEAN POLICY RESEARCH FOUNDATION suggested that deciding topics and panelists well in advance could facilitate meeting preparation and NGO consultation. The INTERNATIONAL OCEAN INSTITUTE said the ICP brings attention to persistent and emerging challenges in ocean governance, and has helped them formulate capacity building programmes.

GREENPEACE said the ICP must continue to: have an open-ended and integrated approach to all aspects of ocean affairs; and promote cooperation and coordination on oceans, focusing on environmental sustainability and the achievement of the Millennium Development Goals.

ARGENTINA, supported by BRAZIL, agreed with the NGOs that the ICP has enhanced communication between states and NGOs, but noted that this is not the only forum where this occurs. BRAZIL stressed that ICP-10 should not consider the renewal of the ICP mandate, but rather identify means to make it effective and useful for all. FAO concurred with ARGENTINA that the interventions made by FAO were on behalf of its Secretariat, not the FAO members.

IN THE CORRIDORS

After two days of deliberations, participants finally seemed to hone in on the major points of debate that will feature in ICP-10's outcomes. One of these is how ICP can best transmit its outcomes to the General Assembly, with one participant expressing concern that the absence of agreed elements in the ICP's report to the General Assembly would weaken the influence of the process. Yet, many others felt a "natural consensus" was forming that negotiations over the need for agreed elements will not force the final session late into the night. This was echoed by a Co-Chair who expressed his desire to include the diversity of perspectives in the Co-Chairs' report. Procedural considerations aside, one developing country delegate expressed concern that concrete sustainable development proposals will remain sidelined.

ENB SUMMARY AND ANALYSIS: The *Earth Negotiations Bulletin* summary and analysis of ICP-10 will be available on Monday, 22 June 2009, online at: <http://www.iisd.ca/oceans/icp10/>