

## ICP-11 HIGHLIGHTS: TUESDAY, 22 JUNE 2010

On Tuesday, delegates to the eleventh meeting of the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea (Consultative Process or ICP-11) reconvened in a discussion panel on capacity building in ocean affairs and the law of the sea, including marine science. In the morning, presentations were made and a discussion was held on: assessing the need for capacity building in ocean affairs and the law of the sea, including marine science; and an overview of capacity-building activities and initiatives in ocean affairs and the law of the sea, including marine science and transfer of technology. The second discussion topic continued into the afternoon.

### **DISCUSSION PANEL ON CAPACITY BUILDING IN OCEAN AFFAIRS AND THE LAW OF THE SEA, INCLUDING MARINE SCIENCE**

**ASSESSING THE NEED FOR CAPACITY BUILDING IN OCEAN AFFAIRS AND THE LAW OF THE SEA, INCLUDING MARINE SCIENCE: Presentations:** Germain Michel Ranjoanina, Ministry of Foreign Affairs, Madagascar, discussed the process of reworking Madagascar's maritime code, which was adopted in 1966, and highlighted insights of the technical committee's work. He noted that after an examination of the code's chapters, including those on vessel mortgaging and maritime transport, the committee found a gap between legislation and implementation possibly due to a lack of: technical and financial resources; coordination of activities on the high seas; political will; and sufficient knowledge of existing legal instruments. He then discussed legislation linked to UNCLOS, noting a lack of capacity on preventing IUU fishing and piracy. He underscored the need for scientific evaluation of fisheries resources and said the African, Caribbean and Pacific Group is considering a framework agreement on fisheries.

Fabiola Jiménez Morán Sotomayor, Mexican Foreign Relations Secretariat, presented for Galo Carrera, Commission on the Limits of the Continental Shelf (CLCS), and Rebeca Navarro, PEMEX, on capacity building for the implementation of Article 76 of UNCLOS. She said determination of the outer limits of the continental shelf in accordance with Article 76 is an expensive and complex scientific and technical challenge, particularly for developing and least developed countries. Sotomayor underscored that training courses, advice by the CLCS and assistance to states through the CLCS Trust Fund have been undertaken, but still need to be expanded.

Peter Gilruth, UNEP, said UNEP uses science to address critical ocean challenges, and reviewed capacity-building lessons from UNEP activities, including: the Regional Seas Programmes' work building capacity for ecosystem based management, climate change adaptation and marine spatial planning; and the Online Access to Research in the Environment Programme, which gives developing countries access to environmental science research. He stressed that cross-sectoral functions are key areas requiring capacity building.

**Discussion:** ARGENTINA expressed reservations about the maps used in Sotomayor's presentation, and she said the cartography was provided by the authors of the presentation. ARGENTINA also stressed that capacity building needs to help establish jurisdictional limits and ensure that developing countries can fully benefit from the use and management of resources within their national jurisdictions. GERMANY highlighted bilateral assistance programmes as a capacity-building tool and reviewed its work with developing countries to prepare submissions to the CLCS. He responded to a question about how these assistance programmes are organized, saying initial contacts are made through embassies of the Ministry of Foreign Affairs. NORWAY reviewed its work with African countries to prepare submissions to the CLCS.

Co-Chair MacKay said the DOALOS Secretariat should compile and post a database of capacity building assistance programmes detailed by delegates. NEW ZEALAND said there is a need to: address gaps in the implementation of international obligations; improve sustainable fisheries management; and enhance the science-policy interface to advance decision making for ocean governance. She noted funds given to the ICP and CLCS Trust Fund and encouraged others to contribute. NIGERIA supported the presentation by Ranjoanina and stressed the challenges of IUU fishing, sustainable fisheries management and lack of capacity to monitor EEZs.

**OVERVIEW OF CAPACITY-BUILDING ACTIVITIES AND INITIATIVES IN OCEAN AFFAIRS AND THE LAW OF THE SEA, INCLUDING MARINE SCIENCE AND TRANSFER OF TECHNOLOGY: Presentations:** Juan Carlos Martine Fragueiro, Secretary-General, Ministry of Environment, Rural and Marine Affairs, Spain, discussed Spain's strategy for cooperation and coordination in ocean affairs. He highlighted Africa, Latin America and Asia as priority areas, and provided an overview of current strategies, including the use of the training vessel "Intermares," to strengthen international relations between fishing countries and train managers, scientists and other marine experts. Fragueiro said future strategies will focus on, *inter alia*:

the co-responsibilities of developing countries; and stakeholder collaboration at the national and multilateral levels to minimize the amount of economic resources needed. He underscored that the use of training and technology transfer achieves better results in marine management.

Mitsuyuki Unno, The Nippon Foundation, presented on the Foundation's programmes on marine affairs capacity building. He noted that through collaborative partnerships the Foundation has supported 640 fellows from almost 100 countries and promoted connections across disciplines and organizations, and highlighted the importance of the UN-Nippon Foundation Fellowship Programme, which has awarded 60 fellowships to individuals from 43 states.

Serguei Tarassenko, Director, DOALOS, reviewed DOALOS's capacity-building activities including: the administration of trust funds, such as the CLCS Trust Fund; fellowship programmes, such as the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea that helps fellows gain deeper knowledge of UNCLOS; and training activities, particularly the Train-Sea-Coast Programme, which builds national capacity to integrate international ocean issues into national and regional planning.

Haiwen Zhang, China Institute for Marine Affairs, discussed China's capacity-building activities with an emphasis on South-South Cooperation, and provided an overview of the marine management structure. On international cooperation, she said China has collaborated with a number of developed countries, and participated in South-South cooperation by, *inter alia*, involving Pakistani scientists in a marine survey. To improve capacity building, she highlighted the need for: more knowledge of oceans and marine management; relevant technologies, equipment and instrumentation; and improved human and financial resources. She closed emphasizing her country's commitment to increasing South-South cooperation to improve information exchange.

Ehrlich Desa, UNESCO/IOC, presented on the development of capacity of member states in ocean sciences and observation. He highlighted that capacity development of IOC member states is a cross-cutting issue with the long-term objective of improving ocean governance through good science and its interface with decision makers. Desa recommended that science-based oceans governance should: address national priorities, empower national institutes, involve civil society, promote sponsorship, rather than donations, and establish time-bound capacity development activities.

Nii Odunton, Secretary-General, International Seabed Authority (ISA), presented on ISA's Endowment Fund, which supports the participation of scientists from developing countries in marine scientific research programmes, activities, and relevant initiatives and seminars. He encouraged delegates to visit the Authority's website for further information.

Marcel Kroese, International Monitoring Control and Surveillance Network, stressed the economic, social, and ecological impacts of IUU fishing. He said the network is a voluntary initiative that provides an efficient, non-bureaucratic mechanism for cooperation on IUU fishing, such as providing analytic support to identify vessels involved with IUU fishing, and organizing training that increases capacity to implement monitoring control and surveillance strategies.

**Discussion:** On how to match training given by developed states to the specific realities of developing states, Fragueiro said the programmes require previous agreement from the beneficiary countries, and also use tutors from these countries' own training schools. In response to a question on access to the Nippon Foundation programmes, Unno clarified that all information, including how to apply to these programmes, can be found on the Foundation's website. On the proportion of fellowships given

to government officials, Tarassenko said roughly 80% of Nippon fellows have been government officials. On access to the Part VII Fund of UNFSA by non party developing countries, he said the Fund's terms of reference state only parties have access. On a call for a clearinghouse of capacity-building information, he said DOALOS is willing to provide information through its website, and will consider countries' specific suggestions.

On UNESCO/IOC's relation to states, Desa clarified that it works collaboratively with member countries to determine needs and ultimately aims to build national capacity such that outside support is unnecessary. On UNEP, he said there is a close relationship, but that UNESCO/IOC faces challenges implementing the "one UN" concept in its capacity-building work. On the role of science, he said it should only be seen as helping decisions, not dictating them. On building institutional capacity versus training individual experts, Odunton noted efforts to ensure trained individuals remain in developing countries and stressed the need for capacity building through institutions in developing countries.

On what assistance the IMCS network can provide, Kroese noted it can facilitate information sharing and establishment of joint patrols to best utilize limited resources. On the definition of IUU, he conceded that the definition was shortened for the presentation and noted that unregulated fishing is not illegal, but that it is included in IUU and hence should be considered. He welcomed work on a tool for capacity needs assessment for the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing, noting that fish need to be landed somewhere.

The BAHAMAS, with BRAZIL, congratulated the Nippon Foundation for its contributions on capacity building programmes. ARGENTINA objected to the contents of two documents on the implementation of UN General Assembly Resolution 61/105, which were circulated by Spain and will be posted on the DOALOS website as supporting documents to Fragueiro's presentation. Recognizing the need for scientific capacity building, ARGENTINA also cautioned against concluding that developing countries' decisions are based on poor science, and questioned who was qualified to judge how states apply science to make decisions. COMOROS said training has allowed developing countries to close policy and institutional gaps. PORTUGAL expressed support for capacity building activities, including ISA's Endowment Fund, and said it has been organizing workshops on outer continental shelf delineation. CHINA called for enhanced efforts in technology transfer, financial support and training. MALTA discussed the capacity building organizations it hosts, and asked if the time has come for the UN Chief Executives Board to adopt a cohesive and coordinated approach to ocean capacity building.

### IN THE CORRIDORS

Delegates calmly participated in Tuesday's full agenda of substantive expert presentations, punctuated as they were by occasional distant roars from those watching World Cup matches upstairs. The calm voices inside the meeting room reflected the still early days of the meeting, and also its relatively uncontroversial nature. There were, however, some soft rumblings of more controversial issues to come – namely, issues that could benefit from attention in future work of the General Assembly on ocean affairs and the law of the sea. Until then, funding remains a concern as Director Tarassenko reported low balances in funds managed by DOALOS, leading one delegate to ponder why no one has asked the GEF, which supports UNFCCC and CBD, to fund an oceans process. Meanwhile, NGOs worried that even in the absence of cheering football fans, mentions of underwater ocean noise by a presenter might have been literally "lost in translation."