

## ICP-11 HIGHLIGHTS: THURSDAY, 24 JUNE 2010

On Thursday, delegates to the eleventh meeting of the UN Open-ended Informal Consultative Process (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, panelists from Wednesday's session on new approaches, best practices and opportunities for improved capacity building in ocean affairs and the law of the sea were able to respond to previously asked questions, with delegates making additional comments. This was followed by a plenary session involving a general exchange of views, a presentation on inter-agency cooperation and coordination, and a discussion on issues that could benefit from attention in future work of the UN General Assembly. This discussion continued in the afternoon, followed by discussion on the process for the selection of topics and panelists to facilitate the work of the General Assembly.

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

**NEW APPROACHES, BEST PRACTICES AND OPPORTUNITIES FOR IMPROVED CAPACITY BUILDING IN OCEAN AFFAIRS AND THE LAW OF THE SEA: Discussion:** Responding to questions from Wednesday's session, Raphael Lotilla, Executive Director, PEMSEA, said PEMSEA's efforts to involve landlocked countries are due to a focus on transboundary and integrated river basin management. On the use of existing trust funds for the establishment of marine protected areas (MPAs), Imèn Meliane, The Nature Conservancy, said it can be easier to channel and secure funds by using regional initiatives and approaches, highlighting the "Caribbean Challenge." On a right-based management approach to fisheries, she explained ways it provides fishery participants economic incentives to ensure long-term sustainability. Narmoko Prasmadji, Coral Triangle Initiative (CTI), emphasized that sharing ideas, information and skills must be the first priority for those in the CTI region.

NEW ZEALAND supported the need to bridge gaps between capacity-building needs and opportunities, saying the focus should be on existing opportunities. BOLIVIA said national capacity building will have a multiplier effect when it comes to ocean management and a direct impact on landlocked developing countries. NIGERIA highlighted barriers to successful capacity building, including lack of beneficiary participation in donor priorities and lack of programmes with response to new long-term problems. MALAYSIA emphasized capacity building benefits under the CTI. THAILAND

highlighted successful projects utilizing coastal zone and ecosystem based management.

### **PLENARY**

**GENERAL EXCHANGE OF VIEWS:** Co-Chair Amb. Paul Badji (Senegal) opened the plenary for a resumption of a general exchange of views.

ICELAND highlighted the importance of fisheries and aquaculture for developing countries and noted concerns related to the sustainability of aquaculture. He suggested further discussions on analysis of reliable fisheries information and better means to monitor the status of stocks. On assessing the need for capacity building, MAURITANIA said its coastline is home to a wide variety of fisheries and offshore exploration activities, urged cooperation among Northwest African countries to promote coastline protection, and called for training opportunities.

PARLIAMENTARY ASSEMBLY OF THE MEDITERRANEAN addressed challenges faced in the Mediterranean Sea regarding free access to the high seas, busy shipping routes, overfishing and land-based sources of pollution, and recommended the development of mechanisms to prevent eco-catastrophes. SOUTH AFRICA noted the adoption of integrated coastal management legislation, but urged regional cooperation and assistance to implement this legal instrument. He called for capacity building on, *inter alia*: effects of climate change on the oceans, MPAs, and IUU fishing.

THAILAND said capacity building should be improved through coordination between the international, regional and national levels, especially in areas such as: implementation of the ecosystem-based approach; IUU fishing; assessment of highly migratory species; and application of Article 76 of UNCLOS.

IUCN reviewed complementary international processes for improving the knowledge base of ocean management, including: the Busan agreement of June 2010, which supported a platform to strengthen the science-policy interface for biodiversity conservation and sustainable use; and the Global Ocean Biodiversity Initiative, which builds capacity for the identification and management of ecologically significant areas.

INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO) stressed its work as essential for maritime trade and reviewed its phased approach for helping countries meet the requirements set by the International Convention for the Safety of Life at Sea. He said IHO works with other international organizations, such as the International Maritime Organization, to maximize coordination of capacity-building activities. NRDC stressed the deleterious effects of marine pollution, particularly ocean noise. Noting an example from Trinidad and Tobago, she

highlighted the link between seismic surveys and declining fish catches, and stressed the consequences for local communities.

THE INTERNATIONAL CONTAINER BUREAU stressed that roughly 80% of global trade is ocean based and reviewed its work overseeing container registration, as specified in Annex 1 of the 1972 Customs Convention on Containers. He said its work increases the scope, efficiency and safety of trade, but that awareness raising and better compliance are still needed on container registration requirements. INDONESIA supported calls for a database to match capacity-building programmes with countries' needs and said long-standing barriers must be overcome, such as technology transfer. He stressed the importance of South-South cooperation, and noted that regional cooperation with Australia on stock assessments has improved human resources and institutional capacity.

#### **INTER-AGENCY COOPERATION AND**

**COORDINATION: Presentation:** Andrew Hudson, UN-Oceans, provided an update of UN-Oceans members' activities, including: progress on the use of biogeographic systems and criteria for identifying marine areas needing protection in accordance with the Convention on Biological Diversity (CBD) Decision IX/20; GESAMP work on coastal pollution, microplastic, biomagnifications and top-predators; the need for further financial assistance to the UN-Atlas; and relocation of the UN-Oceans website to the FAO domain. He further noted capacity-building activities by UN-Oceans members, such as: CBD programmes on MPAs, including, workshops and e-learning tools; and FAO training on fisheries management.

**ISSUES THAT COULD BENEFIT FROM ATTENTION IN FUTURE WORK OF THE GENERAL ASSEMBLY ON OCEAN AFFAIRS AND THE LAW OF THE SEA:** Co-Chair Amb. Don MacKay (New Zealand) invited delegates to review the streamlined list of issues that could benefit from attention in future work of the UN General Assembly, prepared by the co-chairs, or to propose other topics.

Yemen, for G-77/CHINA, supported by BRAZIL, ARGENTINA and the US, suggested the examination of progress in the implementation of the oceans chapter of the World Summit on Sustainable Development, as this would provide a valuable contribution to the Rio+20 process. MEXICO proposed liability for damage to marine biological diversity and part XII of UNCLOS on the protection of the marine environment, especially Article 208 on pollution from seabed activities subject to national jurisdiction. She underscored that the oil spill in the Gulf of Mexico reinforces the need to discuss this topic.

Spain, for the EU, proposed issues that have not yet been addressed by this forum, such as: integrated management approaches, including the ecosystem-based approach; pollution minimization; and environmental impact assessment tools. AUSTRALIA suggested integrated management approaches to address pollution, including land-based sources of pollution, which can impact fisheries and aquaculture.

IUCN expressed interest in reviewing the role of prior environmental assessment in the conservation and management of oceans and human activities that affect the marine environment, and said the importance of ecosystem-based approaches to adaptation and mitigation of the effects of climate change on oceans and coasts would benefit from attention in future work of the General Assembly.

NEW ZEALAND pointed to the issue of marine pollution as a topic needing special attention. ARGENTINA opposed the Consultative Process discussing issues addressed under different fora, notably climate change. The US noted the importance of all topics in the streamlined list and looked forward to future discussions.

#### **PROCESS FOR THE SELECTION OF TOPICS AND PANELISTS SO AS TO FACILITATE THE WORK OF THE GENERAL ASSEMBLY:**

Co-Chair MacKay introduced the agenda item, and summarized last year's discussion on the topic (A/64/131), including, *inter alia*, the need for the process to: contribute to sustainable development in a transparent, informal and inclusive manner; focus on topics as long as they are important; prioritize the issues to be tackled and identify them early; disseminate background and concept papers in regard to the topic; and not preclude itself from discussing topics that are in other fora.

Yemen, for G-77/CHINA, suggested that the proposed themes for the following ICP meetings should be based on a concept paper, which would, *inter alia*: be consistent with UNCLOS and Agenda 21; avoid the creation of new institutions, as well as duplication and overlapping of negotiations occurring in other fora; and be based on the economic, social and environmental pillars of sustainable development.

MEXICO, supported by MAURITANIA and TOGO, suggested the participation of panelists from all regions of the world. She also requested a more effective and expeditious mechanism for the participation of developing countries' experts, and called for earlier notifications and stricter deadlines. In response, Co-Chair MacKay said an earlier deadline was imposed this year, but exceptions had to be made due to the lack of suggestions by the end of the deadline, noting that a slightly more rigid approach can be pursued.

CHILE concurred with the G-77/CHINA, but also proposed the analysis of: the implementation of international instruments in force; IUU fishing and conservation measures that can be adopted by states; studies on marine environment preservation, especially on marine security; and the responsibilities of flag states in all marine areas. Spain, for the EU, stressed that proposals for new topics should be submitted well in advance to improve the transparency of the process and be accompanied by background papers to support their proposals.

North East Atlantic Fisheries Commission said the UN General Assembly has focused too much attention on fisheries, noting that states do not need resolutions to implement the obligations provided for by international conventions. He said regional and local discussions have a better chance to promote sustainable fisheries.

Co-Chair MacKay closed the agenda item, stating that delegates will reconvene in plenary at 11am on Friday to review the Co-Chairs' summary report on areas where natural consensus was reached. He emphasized that the report is intended for reference purposes only and does not represent a record of the discussions.

#### **IN THE CORRIDORS**

On Thursday, delegates returned to a cooler Conference Room 1 to complete panel discussions. Attention then turned to the expected hot items of the week: selecting topics for ICP-12 and proposing a process for selecting topics and panelists. The organizers had left time for ideas to be volleyed back and forth until Friday morning, in the style of the recent multi-day singles match at Wimbledon between John Isner and Nicolas Mahut, but to the surprise of some, little disagreement surfaced over proposed topics or procedures, and the meeting was adjourned two hours early. Many delegations did request additional time to assess proposals, and a few expected more debate at the General Assembly this fall.

**ENB SUMMARY AND ANALYSIS:** The *Earth Negotiations Bulletin* summary and analysis of ICP-11 will be available on Monday, 28 June 2010 online at: <http://www.iisd.ca/oceans/icp11>