

ICP-12 HIGHLIGHTS: MONDAY, 20 JUNE 2011

The twelfth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (Consultative Process or ICP-12) opened on Monday, 20 June 2011, at UN Headquarters in New York. Delegates convened in plenary in the morning, addressing organizational matters and holding a general exchange of views on contributing to the assessment, in the context of the UN Conference on Sustainable Development (UNCSD or Rio+20), of progress to date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development and addressing new and emerging challenges. In the afternoon, a discussion panel was held on sustainable development, oceans and the law of the sea.

PLENARY

OPENING: Co-Chair Amb. Don MacKay (New Zealand) opened ICP-12, noting the particular opportunity it provides for contributing to the UNCSD, and said it also allows participants to: take stock of progress to date with regard to oceans and seas; highlight gaps in the implementation of the outcomes of major summits on sustainable development; and address new and emerging challenges. He emphasized that the sustainable use of oceans and ocean resources are essential to the achievement of the three pillars of sustainable development, and beseeched States to make contributions to the Voluntary Trust Fund to help developing countries, in particular landlocked developing countries, small island developing States (SIDS) and least developed countries, attend the Consultative Process.

Co-Chair Amb. Milan Jaya Meertarbhan (Mauritius) requested that the Consultative Process outcome does in fact contribute to the assessment of progress and gaps in the implementation of the outcomes of the major summits on sustainable development. He emphasized that oceans must feature prominently in the UNCSD agenda, and highlighted the special case of SIDS and islands supporting small communities, given their fragility and high dependence on oceans and seas for their people's livelihoods.

Highlighting that the world's attention is now turning to Rio+20, Patricia O'Brien, Under-Secretary-General for Legal Affairs and the Legal Counsel, for the Secretary-General, underscored that ICP-12 can bring attention to oceans and seas in the context of the sustainable development agenda. Sha Zukang, Under-Secretary-General for Economic and Social Affairs, underscored that the oceans are Earth's most threatened ecosystem, and recalled that a "Blue Economy" approach was emphasized during the second session of the UNCSD Preparatory Committee, in March 2011.

Co-Chair MacKay introduced the annotated provisional agenda (A/AC.259/L.12), which was adopted without amendment. Delegates also agreed to the programme of work.

GENERAL EXCHANGE OF VIEWS

CONTRIBUTING TO THE ASSESSMENT, IN THE CONTEXT OF THE UNCSD, OF PROGRESS TO DATE AND THE REMAINING GAPS IN THE IMPLEMENTATION OF THE OUTCOMES OF THE MAJOR SUMMITS ON SUSTAINABLE DEVELOPMENT AND ADDRESSING NEW AND EMERGING CHALLENGES: Country statements:

Argentina, for G-77/CHINA, supported by TRINIDAD AND TOBAGO, stressed the importance of achieving sustainable fisheries and tackling fisheries subsidies. Recalling that the *Ad Hoc* Open-ended Informal Working Group to Study Issues Relating to the Conservation and Sustainable Use of Marine Biological Diversity beyond Areas of National Jurisdiction (BBNJ WG) agreed during its fourth meeting to initiate a process in 2012 to consider all aspects pertaining to these resources as a package, G-77/CHINA, with the EU, expressed support for the negotiation of an implementing agreement to UNCLOS.

Spain, for the EU: supported Rio+20's focus on greening the economy; noted gaps in implementation of previous summits' commitments, including on establishing coherent networks of marine protected areas (MPAs); and expressed interest in continuing the BBNJ WG debate. **New Zealand**, for the PACIFIC ISLANDS FORUM, lamented: the pressure from distant fishing fleets; illegal, unreported, and unregulated fishing (IUU); and the limited monitoring capacity of its members.

The Federated States of Micronesia, for the PACIFIC SIDS, supported by PALAU, said Rio+20 should define timelines and targets to turn words into action on ocean sustainable development. **JAPAN** reviewed its marine biodiversity strategy, including work on MPAs. **PALAU** said the principles of fairness, sustainability and accountability should guide oceans management. On accountability, he called for the General Assembly to review the activities of regional fisheries management organizations (RFMOs).

MONACO said cetaceans remain unprotected and are the "major unfinished business" of UNCLOS, and, supported by TRINIDAD AND TOBAGO, called for a collective policy for their permanent protection on the high seas. **MALDIVES** urged UNCSD to find ways to fill implementation gaps in SIDS' development. She called for regional centers on oceans management, and for promoting States' marine scientific and technical capacity. **CANADA** said improved coordination and cooperation, including knowledge sharing, would allow governments to "work smarter"

within fiscal constraints. CHILE called for a broad focus on oceans at the UNCSD. BRAZIL hoped to raise ocean issues to a higher level of attention, and said ICP-12 should identify opportunities for cooperation to this end.

SOUTH AFRICA hoped ICP-12 would endorse the BBNJ WG recommendations, and noted the capacity gaps hindering preparations for the UNCSD. INDIA spoke of developing countries' capacity and technical needs in the area of marine science. NEW ZEALAND called for concise, action-oriented outcomes for Rio+20, including attention to: better science, monitoring and assessment; and a process for addressing BBNJ.

The US underscored three areas of interest: food security, ocean acidification, and effective conservation and management of ocean ecosystems. AUSTRALIA, supported by THAILAND, stressed the need to identify how commitments made in previous summits can actually be implemented, and noted that ecological considerations need to be central to economic and social policies. CHINA called for cooperation on scientific research and greater support to developing countries. THAILAND called for assistance from developed to developing states to improve environmental standards and expressed willingness to share advancements from his country, particularly on fish farming and renewable energy.

TRINIDAD AND TOBAGO noted the need for assistance in enforcement and surveillance of IUU fishing, and supported an implementing agreement to UNCLOS to regulate the exploitation of marine genetic resources in areas beyond national jurisdiction (ABNJ). Noting the decreasing health of oceans as reported in the Secretary-General's report, VENEZUELA emphasized the need to focus on ensuring the sustainable development of the oceans, particularly as it relates to food security.

International Organizations and Civil Society:

CONVENTION ON BIOLOGICAL DIVERSITY (CBD) Secretariat reviewed outcomes of CBD COP10, including a 20-point "biodiversity rescue strategy" that strives for MPAs covering 10% of the oceans by 2020. Noting the lead up to Rio+20, IUCN suggested that the Consultative Process consider, *inter alia*, development of assessment processes, including of cumulative effects of human activities with a potential for significant adverse impacts on the marine environment and living marine resources.

INTERNATIONAL MARITIME ORGANIZATION (IMO) highlighted its Rio+20 activities, including participation in UN "Delivering as One" and the UN Environment Programme (UNEP) Green Economy report. DEEP SEA CONSERVATION COALITION proposed establishing an intergovernmental conference to negotiate a new implementing agreement for BBNJ. OCEAN POLICY RESEARCH FOUNDATION highlighted the need for additional human resources equipped with rich knowledge to ensure the sustainable management of the oceans, highlighting its fellowship scholarship awards. INTERNATIONAL FUND FOR ANIMAL WELFARE emphasized the UN's role in, and the economic benefits of, protecting cetaceans from direct takes in ABNJ. GREENPEACE opined that a new implementing agreement under UNCLOS would: provide an effective framework to ensure the preservation of the marine environment, including the fair and equitable sharing of benefits from the use of its resources; and enable the establishment of a network of marine reserves on the high seas.

PEW ENVIRONMENT GROUP highlighted gaps in the management of commercially exploited fish stocks, including that RFMOs only manage a subset of the biodiversity in their designated area and that there is no oversight of these by the General Assembly. CONSERVATION INTERNATIONAL proposed the creation of a High Seas Partnership Fund. UNEP highlighted efforts to support States in the lead up to Rio+20, including the preparation of a SIDS-specific Green Economy

report along with UN Department of Economic and Social Affairs (DESA).

DISCUSSION PANEL

SUSTAINABLE DEVELOPMENT, OCEANS AND LAW OF THE SEA: Presentations:

Brice Lalonde, DESA, called Rio+20 an important opportunity, noting the many ocean-related instruments which emerged at previous major summits. He said the ocean management regime is fragmented, and suggested, *inter alia*, increasing MPAs, restricting the rights of flag States not adhering to fisheries agreements, and building from the work of the monitoring, control and surveillance network. On goals for Rio+20, he called for including an agreement on adherence to the FAO Code of Conduct for Responsible Fisheries, an agreement on plastic bags as an ocean problem, and international guidelines on deep seabed mining to avoid repeating the Gulf oil spill.

Cherdsak Virapat, International Ocean Institute, said the sustainable development of oceans must encompass: the broadest range of development; poverty elimination; conservation and enhancement of the resource base; and unification of economics and ecology in all levels of decision-making. He stressed the need for humanity to change its behavior to achieve sustainable interactions with the world's oceans, which require broad stakeholder participation in decision-making and planning.

Discussion: When asked about the feasibility of a regional approach to implementing international goals, Lalonde said regional organizations have a duty to work together on integrated management of oceans. In response to a suggestion to make Law of the Sea the "single chef," Lalonde argued that law does not ensure implementation. Regarding a call for flag and port States to become party to and implement relevant international agreements, Lalonde proposed that the right to fish in high seas be reserved for parties. ARGENTINA emphasized that ratifying an agreement does not equate to responsible behavior as a flag State.

In response to suggestions to expand mandates of RFMOs, AUSTRALIA questioned whether these organizations have the required competency and capacity. SAINT LUCIA said most marine degradation occurs within States' exclusive economic zones. FEDERATED STATES OF MICRONESIA highlighted challenges that need to be considered in the Rio+20 process: gaps in governance; gaps in implementation of existing instruments; and harmonization between ocean issues and discussions taking place in other fora.

In response to interventions on the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing, NORWAY said it has signed the Agreement and is working towards its ratification. Countering perspectives that there are governance gaps, the US emphasized that UNCLOS already provides a comprehensive framework, and called for improved coordination among organizations, such as IMO, RFMOs and Regional Seas bodies.

IN THE CORRIDORS

The twelfth meeting of the Consultative Process opened with two substantial ocean-related milestones in the forefront of participants' minds: the 20th anniversary of the Earth Summit and 30th anniversary of UNCLOS. With these events only one year away, delegates began the week seemingly keen to use ICP-12 to strengthen the oceans agenda and guarantee a strong, unified voice at Rio+20. Yet the breadth of this year's theme may make it difficult to agree on the balance of attention for existing shortfalls, on one hand, and emerging challenges, on the other. Indeed, some delegates expressed concern that the outcome would lack strategic focus and might represent "a confetti of issues," in turn diluting a strong voice. Many of these will be discussed during a busy three days of panel presentations, leaving the consideration of the meeting's outcome crammed into Friday.