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TWELFTH MEETING OF THE UNITED NATIONS OPEN-ENDED INFORMAL CONSULTATIVE PROCESS ON OCEANS AND THE LAW OF THE SEA: 20-24 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) opens today at UN Headquarters in New York. During the week, delegates are expected to focus their discussions on “Contributing to the assessment, in the context of the United Nations Conference on Sustainable Development, 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.” Recommendations from the meeting will be forwarded to the General Assembly for consideration at its 66th session.

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 the 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 a declaration by the General Assembly that all resources of the seabed beyond the limits of national jurisdiction are the common heritage of humankind, 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. UNCLOS entered into force on 16 November 1994, and 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).

GENERAL ASSEMBLY RESOLUTION 54/33: On 24 November 1999, the General Assembly adopted resolution 54/33 on the results of the review undertaken by the UN 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 meet in New York and consider the Secretary-General’s annual report 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 interagency 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.

ICP-1 to 3: The first three meetings of the Consultative Process identified issues to be suggested and elements to be proposed to the General Assembly, and highlighted issues that could benefit from attention in its future work. The first meeting of the Consultative Process (30 May-2 June 2000) held discussion panels addressing fisheries and the impacts of marine pollution and degradation. The second meeting (7-11 May 2001) focused on marine science and technology, and coordination and cooperation in combating piracy and armed robbery at sea. The third meeting (8-15 April 2002) held discussion panels on the protection and preservation of the marine environment, capacity building, regional cooperation and coordination, and integrated oceans management.

GENERAL ASSEMBLY 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,

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and decided to review the Consultative Process' effectiveness and utility at its 60th session.

ICP-4 and 5: The fourth meeting of the Consultative Process (2-6 June 2003) adopted recommendations on safety of navigation, the protection of vulnerable marine ecosystems, and cooperation and coordination on ocean issues. The fifth meeting (7-11 June 2004) adopted recommendations on new sustainable uses of oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction.

ICP-6: The sixth meeting of the Consultative Process (6-10 June 2005) adopted recommendations on fisheries and their contribution to sustainable development, and considered the issue of marine debris.

ICP-7: The seventh meeting (12-16 June 2006) enhanced understanding of ecosystem-based management, and adopted recommendations on ecosystem approaches and oceans.

ICP-8: The eighth meeting (25-29 June 2007) discussed issues related to marine genetic resources. Delegates were unable to agree on key language referring to the relevant legal regime for marine genetic resources in areas beyond national jurisdiction, and as a result no recommendations were adopted. However, a Co-Chairs' summary report was forwarded to the General Assembly for consideration.

ICP-9: The ninth meeting (23-27 June 2008) adopted recommendations on the necessity of maritime security and safety in promoting the economic, social and environmental pillars of sustainable development.

ICP-10: The tenth meeting (17-19 June 2009) produced a Co-Chairs' summary report collating outcomes of its discussions on the implementation of the outcomes of the Consultative Process, including a review of achievements and shortcomings in its first nine years, which was forwarded to the General Assembly for consideration.

ICP-11: The outcome of the eleventh meeting (21-25 June 2010) was a Co-Chairs' summary of discussions, including: marine science; inter-agency cooperation and coordination; issues that could benefit from attention in future work of the General Assembly on ocean affairs and the law of the sea; and the process for the selection of topics and panelists so as to facilitate the work of the General Assembly. This was forwarded to the General Assembly for consideration.

INTERSESSIONAL HIGHLIGHTS

65TH SESSION OF THE UN GENERAL ASSEMBLY:

In paragraph 231 of its resolution 65/37, the General Assembly decided that the Informal Consultative Process would focus its discussions at its twelfth meeting on contributing to the assessment, in the context of the United Nations Conference on Sustainable Development, 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.

OCEANS DAY AT CANCÚN: Oceans Day convened in Cancún, Mexico, on 4 December 2010, and met in parallel to the Cancún Climate Change Conference. This event was the second Oceans Day in the context of the UN Framework Convention on Climate Change (UNFCCC), and was part of the Rio Conventions' Ecosystems and Climate Change Pavilion,

organized by the Convention on Biological Diversity (CBD), UNFCCC, and UN Convention to Combat Desertification (UNCCD). Cancún Oceans Day featured: three panel discussions; two special addresses; and three workshops on developing an integrated approach to climate and oceans and preparation for the UN Conference on Sustainable Development (UNCSD, or Rio+20).

29TH SESSION OF THE COMMITTEE ON

FISHERIES: The 29th session of the FAO Committee on Fisheries (COFI) met from 31 January - 4 February 2011, at FAO headquarters in Rome, Italy. The Committee addressed: progress in the implementation of the Code of Conduct for Responsible Fisheries (CCRF); the decisions and recommendations of the 12th session of the COFI Sub-Committee on Fish Trade and the 5th session of the COFI Sub-Committee on Aquaculture; progress made with regard to measures against illegal, unreported and unregulated (IUU) fishing; fisheries and aquaculture in our changing climate; the improved integration of fisheries and aquaculture development and management; biodiversity conservation and environmental protection; good practices in the governance of small-scale fisheries; and priorities and results under the medium-term plan and programme of work and budget 2012-13.

WORLD WATER DAY 2011: This meeting convened in Cape Town, South Africa on 22 March 2011. Under the theme of "Water for Cities: Responding to the Urban Challenge," participants gathered to hear addresses from dignitaries such as His Royal Highness, Willem-Alexander, Prince of Orange, Chair of the UN Secretary-General's Advisory Board on Water and Sanitation, Edna Molewa, Minister of Water and Environmental Affairs, South Africa, and Joan Clos, Under-Secretary-General and Executive Director, UN-HABITAT. Panel discussions on water and sanitation infrastructure in Africa and the role of local government in bridging the water and sanitation gap, were also held.

FOURTH MEETING OF 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: The Working Group convened from 31 May - 3 June 2011, at UN headquarters in New York. The Working Group adopted by consensus a set of recommendations to initiate a process on the legal framework for the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction, by identifying gaps and ways forward, including through the implementation of existing instruments and the possible development of a multilateral agreement under UNCLOS. The recommendations also include a "package" of issues to be addressed as a whole in this process, namely: marine genetic resources; measures such as area-based management tools; capacity building and the transfer of marine technology. The consensus recommendations will be submitted to the 66th session of the General Assembly.

ICP-12 PREPARATORY MEETING: UNDOALOS held an informal preparatory meeting for ICP-12 on 9 March 2011, in New York. Participants at the informal preparatory meeting considered the draft format and draft agenda for ICP-12, as well as draft areas of concentration for the discussion panel.