

## **Contribution by the European Union to the note from DOALOS on the United Nations open-ended Informal Consultative Process in view of its tenth session (17-19/06/09)**

### **1. General observations**

Whereas the States Members of the United Nations had been carrying out an annual review of ocean-related affairs in the General Assembly (UNGA) since 1983, it was felt at the end of the 1990s that such a review needed to be both widened and deepened. The United Nations open-ended Informal Consultative Process (ICP) was therefore established in 2000 by United Nations General Assembly (UNGA) resolution 54/33 in order to facilitate the annual review of developments in ocean-related affairs by the UNGA.

As a result, for the last decade the ICP has been the only existing global forum established within the UN framework that:

- focuses entirely on ocean affairs and brings together experts specialising in these matters;
- allows for informal discussions on cross-cutting topics in ocean-related affairs and on interactions between maritime activities, while other fora in this field usually have a sectoral focus;
- is based on an integrated approach to all legal, economic, social, environmental and other relevant aspects of oceans and seas;
- benefits from a multidisciplinary approach as it relies on the expertise of professionals from various fields which have a bearing on ocean-related affairs (e.g. science, economics, law, including human rights, development, etc.);
- is broadly open for participation to all States and relevant stakeholders, including maritime industry and NGOs and functions according to a regime reflecting a geographical balance among all regions in the world;
- identifies areas where coordination, cooperation and capacity-building at the intergovernmental and inter-agency levels should be enhanced.

These elements have been critical in turning the ICP into a useful process which serves to inform the international community on the major current ocean-related challenges and to build consensus on the elaboration of common responses to those challenges. The ICP can be seen from this perspective as a forum which embodies the need for international cooperation for better ocean governance, as called for in UNCLOS.

In practical terms, the merits of the ICP have been twofold:

- shedding light on new emerging ocean-related challenges, via presentations by experts, thereby assisting the international community in understanding the stakes at play;
- laying the foundation for international action to address those challenges, which generally have been reflected by the UNGA in its "Oceans and the Law of the Sea" resolution and, in some instances, taken up by States and/or competent regional and international organisations.

## 2. Examples of previous ICP sessions

In its nine previous sessions, the ICP has dealt with a large number of issues including, inter alia, IUU fishing, the economic and social impact of marine pollution, marine science and the development and transfer of marine technology, cooperation and coordination to combat piracy and armed robbery, protection of vulnerable marine ecosystems, new sustainable uses of the ocean, ecosystem approaches and the ocean, marine genetic resources, maritime security and safety.

The EU would like to single out outcomes of some of these sessions that are of particular relevance for a contribution to the 10<sup>th</sup> session:

- ICP-4 on the protection of vulnerable marine ecosystems called, inter alia, for urgent consideration of ways to integrate and improve, on a scientific basis, the management of risks to vulnerable marine ecosystems beyond national jurisdiction, such as seamounts and hydrothermal vents. It stressed in particular the threat posed to marine ecosystems by bottom trawling and dredging. Subsequently the UNGA, in its resolution 61/105 on sustainable fisheries, laid down a set of recommendations to protect vulnerable marine ecosystems which has been implemented by RFMOs and States. In the case of the EU, the process set in motion by ICP-4 led to the adoption of Council Regulation 734/2008 on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears.
- ICP-8 on marine genetic resources, though it was the only ICP that did not propose agreed common elements to the UNGA, enabled participants to obtain a clearer picture of all the challenges pertaining to the conservation and potential exploitation of marine genetic resources in areas beyond national jurisdiction. In 2008, the Ad Hoc Working Group of the General Assembly to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction resumed discussions on marine genetic resources, taking into consideration the outcome of ICP-8 with a view to making further progress on the issue.
- ICP-9 on maritime safety and security urged participants to increase efforts to fight piracy and called for increased participation and enhanced implementation and enforcement of relevant international legal instruments in the fields of maritime safety

and security, as well as in the area of the fight against transnational organised crime. These are commitments for which the EU supports further work at UN and IMO level (e.g. on Search and Rescue). In 2008 the UNGA, in its resolution on "Oceans and the law of the sea", particularly underlined the need to take immediate action against piracy off the coast of Somalia, in accordance with the resolutions adopted by the UN Security Council. Deeply concerned by the outbreak of piracy off the Somali coast, the EU launched a military operation (EU NAVFOR Atalanta) within the framework of the European Security and Defence Policy and in support of UN Security Council resolutions.

### **3. Future of the process**

The European Union (EU) is of the opinion that while the contribution of the ICP has been useful, it is clear that there is room for improvement in terms of both substance and procedure to enable the ICP to produce concrete contributions to the UNGA, Member States and/or competent regional and international organisations. For instance, the EU considers that the ICP sessions have been of greater interest and their outcomes of greater importance when they have addressed economical, social or environmental issues on oceans which also have a transversal and cross sectoral dimension and that are dealt with by several international bodies. The ICP can certainly add value to sectoral and technical work, improve coherence and prepare the ground for UNGA to decide on further actions and enhanced cooperation. Additional thought should be given to the format of ICP meetings. Some of the issues that the EU believes ought to be addressed as part of the review are;

- How do we select topics for discussions in ICP in order to ensure both predictability, which facilitates preparations, as well as space for the ICP to discuss current issues?
- What type of outcome do we want from the meetings?
- Can improvements be made in the organization of the meetings?
- How do we ensure continued and effective participation by relevant organizations and NGOs?

