

The Secretary General's report on Oceans and the Law of the Sea 2009. The Open-ended Informal Consultative Process on Oceans and the Law of the Sea. Norwegian views

- The United Nations General Assembly (GA) is the only representative forum for general debate of Law of the Sea issues. The United Nations Open-ended Informal Consultative Process on Ocean and the Law of the Sea (ICP) is one of the important tools for the GA in its consideration and review of ocean affairs and the Law of the Sea. Since its inception in 1999, cf A/RES/54/33, the Process has made valuable contributions to the UN work on the Law of the Sea and related issues, and has thus fulfilled its intended function.
- The open and informal character is among the strengths of the ICP. The Process provides a unique meeting place where scientists, other experts, civil society and policy makers based on scientific information can discuss difficult issues in a more open and informal setting. An important new element was introduced to the Law of the Sea deliberations in the UN in 2000 when representatives of the civil society was included in the ICP. Norway values their contributions to the ICP.
- The organization of the ICP has been debated. Some has felt that some meetings have been too informal, overloaded and unstructured. The meetings should be informal but yet conducted in a way that makes it possible for the meeting to produce input to the GA according to its mandate. Norway has been mostly satisfied with the way the meetings have been organised over the past few years. There are limits to how strict the structure of the Process can be before the ICP loses some of its value as an open and informal meeting place.
- The task of the ICP should continue to be to produce consensual input to the GA as a reflection of how far States can agree on the subject in question, while it will always be up to the GA to decide whether it chooses to follow up on the input or not. Working on a consensual basis is challenging, and the Process can deliver input to the GA only to the extent all States want it to produce results. Even if it has not always been possible to reach consensus, the Process has for the most part produced output that has been of value during the negotiations of the Fisheries- and Law of the Sea resolutions in the fall.
- One example of an important contribution from the ICP is the initiative to initiate coordinated measures against the use of destructive fishing practices in vulnerable areas on the high seas. At its fifth meeting in 2004 the ICP proposed that the GA should urge States to act against the use of destructive fishing practices, cf paragraph 6 of A/59/122. The GA implemented this proposal by calling on States to take action against the use of such practices, cf operative paragraph 66-71 of A/RES/59/25. The GA then reviewed the implementation of these important paragraphs in 2006 and called on States to take further action, cf operative paragraphs 82-90 of A/RES/61/105. The GA will conduct a further review of actions taken in the fall of 2009. On this issue, there is a direct line from the initiative at the ICP, via the GA, and to the ongoing implementation activities in several Regional Fisheries Management Organisations and Governments.
- Another example of an important contribution from the ICP to increased international cooperation and coordination related to oceans and Law of the Sea issues is its deliberations related to marine environment, marine resources and marine biodiversity in areas beyond national jurisdiction. At its fourth meeting in 2003 the ICP proposed that the GA should invite relevant bodies to consider urgently how to better address threats and risks to vulnerable and threatened marine ecosystems and biodiversity

beyond national jurisdiction, cf paragraph 20 c) of A/58/95. The GA acted upon this proposal by adopting such an invitation in its Law of the Sea resolution the same fall, cf operative paragraph 52 of A/58/240. The ICP continued its deliberation of issues related to marine environment and biodiversity in areas beyond national jurisdiction at its fifth meeting in 2004 and made numerous proposals to the GA in this regard, cf Part A of A/59/122. The GA followed up on this by establishing 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, cf operative paragraph 73 of A/RES/59/24. After the first meeting of this working group was held in 2006, the GA decided that the ICP in 2007 in its entirety should be devoted to discussing marine genetic resources, including in areas beyond national jurisdiction. Although the ICP in 2007 did not manage to reach consensus on elements to be proposed to the GA, a report of the valuable discussions held was forwarded to the GA together with the Co-Chairpersons' possible elements, cf A/62/169. The GA followed up on this by acknowledging the need to discuss the issue further in the meeting of the Ad Hoc Working Group in 2008, cf operative paragraphs 132 and 133 of A/RES/62/215.

- Yet another example of a contribution from ICP is its dealings with the issue of marine debris in 2005. The ICP did not manage to reach consensus on elements on marine debris, but the proposed elements was forwarded to the GA, cf paragraphs 14-17 of A/60/99. The GA decided to include some of the proposed elements in that year's resolution, for instance the invitation to IMO to review annex V to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, cf operative paragraph 67 of A/RES/60/30. In 2006 the IMO initiated a reviewed of the said annex. The issue of marine debris has also been followed up in for instance OSPAR.