

**UNITED STATES MISSION TO THE UNITED NATIONS
NEW YORK**

January 22, 2009

The Permanent Mission of the United States of America to the United Nations presents its compliments to the Secretariat of the United Nations, and referring to its communication LOS/ICP/STATES/2009 dated December 19, 2008 concerning submission of information relevant to the implementation of the outcomes of the first nine meetings of the Consultative Process, has the honor to submit the following observations of the Government of the United States.

Summary

The United States believes that the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (the Consultative Process) has been successful in achieving its original objectives and has proven to be a valuable resource in facilitating the annual review by the General Assembly of developments in ocean affairs. The United States welcomes the opportunity to discuss implementation of the outcomes of the Consultative Process, including a review of its achievements and shortcomings in its first nine meetings, at the tenth meeting of the Consultative Process,

DIPLOMATIC NOTE

Richard R.
22 Jan. 09

as was agreed in the 2008 General Assembly resolution on Oceans and the Law of the Sea.

Objectives of the Consultative Process

The Consultative Process was envisaged originally by the Commission on Sustainable Development in 1999 (Document E/1999/25, Section I. C) as a process to promote improved cooperation and coordination on oceans and seas, with the sole function of facilitating the effective and constructive consideration of matters within the General Assembly's existing mandate. The role of the Consultative Process would be "to promote a comprehensive discussion of the Secretary-General's report on Oceans and the Law of the Sea and to identify particular emerging issues that would need to be considered by the General Assembly."

The Commission noted that "a general focus should be on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced." Furthermore, the consultative process "would provide elements for the consideration of the General Assembly and for possible inclusion in the Assembly's resolutions under the item "Oceans and the Law of the Sea." The Commission stated that this exercise should be carried out in full accordance with the UN Convention on the Law of the Sea, taking into account the agreements reached at the United Nations Conference on Environment and Development (particularly chapter 17 of Agenda 21), and also inputs provided by the Commission on Sustainable Development and

other United Nations bodies.

The Consultative Process was established by a General Assembly resolution (A/RES/54/33) in 2000 “in order to facilitate the annual review by the General Assembly, in an effective and constructive manner, of developments in ocean affairs by considering the Secretary-General’s report on Oceans and the Law of the Sea and by suggesting particular issues to be considered by it, with an emphasis on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced.”

Both the Commission on Sustainable Development and the General Assembly resolution establishing the Consultative Process refer to chapter 17 of Agenda 21, which addresses integrated management and sustainable development of coastal and marine areas; marine environmental protection; sustainable use and conservation of marine living resources; critical uncertainties for the management of the marine environment and climate change; strengthening international (including regional) cooperation and coordination; and sustainable development of small islands. The objectives under that chapter’s programme area of strengthening international cooperation and coordination include integration of activities addressing environment and development in marine and coastal areas and effective information exchange among institutions dealing with environment and development in those areas.

Achievements of the Consultative Process

The United States believes that the first nine meetings of the Consultative Process have met the goals of facilitating the annual review by the General Assembly of developments in ocean affairs, identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced, and taking into account environment and development in marine and coastal areas.

These meetings have identified emerging issues, and in most cases developed consensual text, for consideration by the General Assembly on a broad range of topics regarding environment and development in marine and coastal areas, including fisheries management, impacts of marine pollution, maritime safety and security, protection of the marine environment and vulnerable marine ecosystems, sustainable uses of the oceans, and marine science.

In addition, the Consultative Process has contributed to the formation of interagency coordination mechanisms such as UN-Oceans and has resulted in valuable information exchanges among subject matter experts and ocean policy makers from around the world.

Implementation of the Outcomes of the Consultative Process

The Consultative Process was established to facilitate the General Assembly's annual review of developments in ocean affairs. Most meetings of the Consultative Process have successfully resulted in agreed consensual elements regarding environment and development in marine and coastal areas that were proposed to and subsequently considered by the General Assembly. In many cases, consensual elements from the Consultative Process have been incorporated into the General Assembly's annual resolutions under the item "Oceans and the Law of the Sea." For example, consensual text on ecosystem approaches and oceans from the 2006 Consultative Process was incorporated into the 2006 resolution on Oceans and the Law of the Sea and has been reaffirmed in subsequent resolutions.

In addition, the Consultative Process provides an excellent vehicle for discussion and information exchange among ocean policy makers around the world. The United States has considered information from these meetings to inform our domestic discussions on oceans and marine related policy issues. We believe the knowledge gained from these meetings increases global, regional, and national awareness and implementation of the important ocean issues and actions discussed.

Suggestions for Improving the Consultative Process

The United States wishes to propose several ideas for consideration in our discussions on the development of an improved Consultative Process. First, in some instances, consensual language proposed by the Consultative Process for consideration by the General Assembly has been lengthy and technical. Perhaps this could be addressed by recommending a page (or paragraph) limit on consensual language, while allowing more detailed information to be included in another section of the meeting report, although such judgments are probably best left to the co-chairs of the meetings.

Second, it is our understanding that it has been difficult at times to secure appropriate speakers and panelists when the meeting topic was not known sufficiently in advance. This could be addressed by renewing the mandate of the Consultative Process in three-year increments and deciding on meeting topics at the time of mandate renewal. In this regard, we welcome discussion of the suggestions for future meeting themes proposed by Brazil and others.

Third, it is difficult to gauge the success of the implementation of requests or recommendations adopted by the General Assembly upon the suggestion of the Consultative Process because this information has not been tracked systematically. The Consultative Process could consider devoting some meeting time to assessing progress by States, international organizations, and UN agencies in implementing requests or recommendations in General Assembly resolutions under the item "Oceans and the Law

of the Sea" relating to areas suggested by past Consultative Process meetings, and to evaluating means to facilitate such progress.

The Permanent Mission of the United States of America to the United Nations takes this opportunity to renew to the United Nations the assurances of its highest consideration.

A handwritten signature in black ink, appearing to be "DW", is located in the lower right quadrant of the page.