



There was thus a feeling among States, and non-States as well, that a forum such as the Consultative Process as we know it today was necessary in order to broaden and deepen the debate in the General Assembly, and to further enhance the coordination and cooperation in ocean affairs at the intergovernmental and inter-agency levels.

In 1999, at its 7<sup>th</sup> session, the Commission on Sustainable Development re-emphasised this need. Following the recommendation of the CSD, the Assembly, by its resolution 54/33 established the Consultative Process.

Resolution 54/33 is clear and specific on the characteristics of the Consultative Process, and it is worth stressing from the outset what it is, and what it is not.

It is open-ended and informal. It is a consultative process, not a decision-making or negotiating forum. Its outcome is not to prejudice the decisions to be made in other fora, including the General Assembly. Rather, it is an opportunity to exchange information and ideas towards enhancing the ability of the General Assembly to carry out its annual review of the ocean affairs and law of the sea.

As events have turned out, it has been a little easier to describe the Process than it is to give it a clear title. At first, it was referred to in terms used in the letter from the President of the General Assembly appointing the Co-Chairpersons. However, as noted by at least one concerned party, that usage suffered from the absence of a reference to the “law of the sea” in the title. The next variation was the title “UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea” or “UNICPOLOS”.

Then it was back to “ocean affairs” and the acronym became UNICPOA. And finally by its second meeting in May 2001, it was agreed to call it the

As we know from other instances, it is the manner of the system, and often the only way close the gap between competing viewpoints. In the present case, and given the early days of the Process, the preoccupation with its title was hint of the caution of States, and their perhaps natural sensitivity about the implications. It was an issue that needed to be addressed and settled from the start. Our hope was this might help create confidence about the Consultative Process and its work.

On each occasion, the Consultative Process considered the annual reports of the UN Secretary General on oceans and the law of the sea. These reports are at the centre of the format of the Process meetings. Over the years the reports have become extremely comprehensive and increasingly more detailed and complex.

The reports are especially noteworthy for the broad overview that they give of the issues of concern on the oceans, and the international work that is in hand to address them. They show how broad the canvas is. The role envisioned for the Consultative Process is to identify the areas on this canvas

of the process

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- States continued to express concern about IUU fishing and in particular about the use of flags of convenience. There was widespread appreciation of the adoption of the International Plan of Action to Prevent, Deter and Eliminate this activity. Particular note was taken of the progress made by FAO and IMO in identifying the possibilities of more effective actions against IUU fishing by flag States and port States.

#### Land-based sources

- The need to give priority in addressing pollution from land-based sources to the adequate implementation of the GPA was another issue of dominance in the Consultative Process;
- Particular emphasis was laid on the need for an approach that is both integrated and inclusive. There is, indeed, need to bring together the many different economic sectors involved, management approaches addressing all aspects of ecosystems, including whole hydrological cycle and river basin management for whole catchments involving international, regional, national and local levels, all economic sectors and stakeholders and major groups.

#### Marine science

- This was one of the areas of focus at the first meeting. Discussions were

- As to data, many underscored the perhaps obvious need for information to be made available to those who need it, especially among developing countries. Many singled out regional centers especially, and the need to implement the provisions of the Convention (Parts XIII and XIV) in order to support capacity building by developing countries;

### Piracy

- Recent rapid growth in incidents of piracy and armed robbery at sea had been highlighted in the Secretary General's reports. This became an area of focus in the discussions in 2001;
- Precautionary and preventive measures were seen as an important strategy, with emphasis on the training and preparation of crew and seafarers, especially in regions where incidents of piracy and robbery at sea are likely to occur;
- It was acknowledged that the ability of States to respond effectively is substantially enhanced when regional cooperation arrangements are in place – arrangements such as a network of contacts;
- The discussions also identified useful prospects of advice and assistance from agencies like IMO and particular Governments (e.g., Japan) to authorities in vulnerable regions, especially with respect to common approaches to enforcement techniques and capacity building.

### Protection of the marine environment

- The focus on the protection and preservation of the marine environment is both urgent and clear. We need to enhance true understanding of the world's oceans and seas and to seek maximum value from what has been called the oceans' "contribution of eco-system services". At the same time there is need to minimize problems to its potential, especially through the protection of the marine environment and resources.

### Capacity building

- Urgently and repeatedly, in the Consultative Process as in so many other fora, concern has been expressed about the lack of capacity. Many countries, in particular developing countries, especially the least developed countries and small island developing States simply do not have the capacity to implement UNCLOS and chapter 17 of Agenda 21. In the discussions, emphasis was placed on regional co-operation and integrated ocean management.





hardly a word about oceans, the final provisions are really quite comprehensive. These provisions underscore the fact that oceans, seas, islands and coastal areas form an integrated and essential component of the Earth's ecosystem and are critical for global food security and for sustainable economic prosperity and the well-being of many national economies, particularly in developing countries. Ensuring the sustainable development of the oceans requires effective coordination and cooperation, including at the global and regional levels, between relevant bodies, and actions at all levels to implement a whole range of specific tasks that are detailed in the Plan of Implementation.

I think the significant point is that the language on integration and the emphasis on coordination in the Plan of Implementation could be drawn directly from the reports of the Consultative Process.

The work of the Process is noted in the Plan of Johannesburg, and the fact that its role is to be reviewed by the General Assembly this year.

