



**United Nations Open-ended Informal Consultative
Process on Oceans and the Law of the Sea
Tenth Meeting, 17 – 19 June 2009**

Statement by Dr. Harlan Cohen

Mr. Co-chair,

Agenda Item 3: General Exchange of Views: First Plenary Session

My delegation joins others in congratulating you and your Co-Chair on your appointments and in thanking the Secretary-General and DOALOS for the excellent and comprehensive report prepared for the Sixty-fourth Session of the General Assembly.

We are of the view that the Informal Consultative Process has been very successful because it has provided a forum to facilitate an annual review of developments in oceans affairs within the General Assembly and to identify areas where coordination and cooperation should be enhanced. But it has accomplished more than that. It has provided a forum to expose delegations to a broad range of oceans-related issues and to educate us on a variety of technical issues. We have found that the use of panels to address specific topics and the informal nature of the discussion that follows have led to lively and informative exchanges of views among governments and with specialists and other stakeholders, thus promoting improved ocean governance through United Nations General Assembly resolutions and informing other intergovernmental and international fora. With respect of technical issues, we have found the presentations by invited scientific experts to be of particular value. The Report of the Secretary-General on Oceans and Law of the Sea this year (A/64/66) provides a number of examples of topics that were discussed and then results of those discussions were incorporated into General Assembly resolutions. We draw attention to several examples that we have found to be of particular assistance to the General Assembly.

Permanent Observer Mission of
the International Union for
Conservation of Nature (IUCN)
to the United Nations

801 Second Ave. 13th Floor
New York, NY 10017
USA

Tel: +1 212 286 1076

Fax: +1 212 286 1079

iucn@un.int

World Headquarters

Rue Mauverney 28

1196 Gland

Switzerland

+41 22 999 0000

+41 22 999 0002

www.iucn.org

Tel:
Fax:

Discussions at the Fourth meeting of the Informal Consultative Process on protection of vulnerable marine ecosystems and at the Fifth meeting on new sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction, helped to move work forward in the General Assembly to consider marine biodiversity beyond national jurisdiction through the two meetings of the Working Group on that subject. Discussion of vulnerable marine ecosystems helped to bring forward agreed language in General Assembly resolution 61/105 which in turn assisted in the process within FAO to adopt International Guidelines for the Management of Deep-Sea Fisheries in the High Seas through expert and technical consultations.

Discussion at the Eighth meeting of the Informal Consultative Process was enriched because of scientific information provided by panelists on the numbers, extent, functioning and importance of microorganisms in the world's oceans. These presentations helped us to understand the significant role these microorganisms play in the health of the oceans and of the planet and provided information on how the microorganisms may be collected and studied and the likely environmental, scientific, social and economic effects of such collection and study. One speaker estimated that microorganisms comprise 95% of the biomass of the ocean and that these microorganisms act as central catalysts to global element cycling. A speaker estimated that a liter of seawater may contain many thousands of microorganisms, of which perhaps only one thousand taxa were active at any one time. Other microorganisms remain dormant, pending changes in temperature, salinity or chemistry of the water. Another speaker suggested that half of the Earth's oxygen is derived from and consumed by marine microorganisms. Panelists addressed new and novel approaches to marine genetic resources with a focus on genomes from microorganisms (including bacteria, archae and viruses) collected from the water column and sea floor, and macroorganisms (for example sponges, coral and other invertebrate) collected from the sea floor. It was noted that marine genetic resources as a whole remain little known and little explored. This fascinating and useful information which demonstrates the importance of protecting and conserving marine biodiversity would not normally have been available to delegations for discussion in the General Assembly.

The Seventh meeting provided a venue to explore ecosystem approaches and the insight, perhaps obvious in hindsight, that different countries and organizations had different understandings of what was meant by an ecosystem approach, but that nevertheless the various different understandings had validity. What was most important was that States move forward now to implement an ecosystem approach to oceans management and learn from experience with the idea that they would then be in a position to refine and improve management through experience. Many noted that the benefits of applying ecosystem-based management would outweigh any initial costs. In our view the informal consultations on ecosystem approaches and oceans allowed for progress in a variety of fora, on ecosystem-based management in a broadest sense as well as with respect specifically of the management of fisheries and fish stocks.

Several meetings of the Informal Consultative Process have been helpful to promote discussion on better ways to manage fisheries, fishing and fish stocks. For example the First meeting included the topic of responsible fisheries and illegal, unregulated and unreported fisheries. Working with the World Bank through the PROFISH Partnership Program IUCN later did a study of a global list of irresponsible vessels. It had been hoped to publish a list of vessels found to have engaged in IUU activities to assist fisheries management authorities in developing countries, however legal considerations prevented this publication. Nevertheless, the process was significant in helping us with our work in defining the problem and in identifying other possible steps to combat IUU fishing. These include *inter alia* the port state agreement, currently under negotiation within the FAO; better monitoring, control and surveillance techniques; and market-based approaches. IUCN also co-organized with the World Bank a workshop on fisheries governance: tackling corruption.

We recognize that the meetings have not always been without controversy. Nevertheless, we believe the meetings have provided a venue for discussion and learning that would not have otherwise been available. In our view, the meetings over the years could have benefited from greater and more equitable geographical diversity of panelists, noting that funding constraints would have had to be overcome. We are of the view that the learning experience provided by panelists on technical issues can be, and we hope is, a form of capacity building by providing for the sharing of scientific and technical knowledge and the exchange of ideas and experiences.

We believe that the mandate, objectives and role of the Consultative Process should remain as they are. We welcome a focus on topics related to and supportive of Sustainable Development. As a conservation organization, we welcome the opportunity to provide advice to encourage and assist societies to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable. Nature provides indispensable services to humanity, including our air, water, food, shelter, energy, materials for medicines, protection from natural disasters, and opportunities for recreation, inspiration, diversity and beauty. At the same time, we welcome the continued human social and economic development to reduce poverty and improve people's lives.

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Drawing from the text of the Resolution that was before the General Assembly this year (Resolution 63/111), some topics that could benefit from future work of the Process could include *inter alia* a better understanding of the effects of climate change on the marine environment and marine biodiversity and ways and means of adaptation, for example ocean acidification and its effects on fish, food security, marine biodiversity; changes in ocean temperature which is already leading to poleward movements of fish stocks; or changes in ocean currents or sea level rise and their effects on coastal communities (from paragraph 100). Other topics include the development of environmental impact assessment procedures covering planned (or ongoing) activities that may cause substantial pollution of or significant and harmful changes to the marine environment (from paragraph 102), or the spreading of hypoxic dead zones in oceans as a result of eutrophication (from paragraph 112). It may also be useful, insofar as possible, to report presentations and discussions on each theme in a manner that identifies scientific

knowledge and gaps, tools and measures to address the concerns discussed and further needs for inter-governmental and inter-agency cooperation and coordination. This could further highlight future needs and options beyond those incorporated into the report. It could be helpful to include as panelists scientists who could provide information on biology, geology, oceanography, for example, which would help to inform our discussions. Capacity-building needs regarding each theme could also form a distinct section of the report.

It would be helpful if topics for and future meetings enhanced cooperation, coordination and technical capacity for ocean conservation and sustainable use, for example by building the capacity of all States to better manage the oceans through ecosystem-based management and marine spatial planning, marine protected areas and strategic assessments. Information could be shared on how States have implemented ecosystem-based management and marine spatial planning. Scientists could provide information on how marine protected areas have served to protect fisheries nurseries with positive effects on fish stocks and catch levels in areas outside of the marine protected areas, thus promoting good fisheries management and food security for coastal communities. The Consultative Process could also examine and encourage, assist and assess progress towards the implementation of specific requirements under the United Nations Convention on the Law of the Sea and specific steps called for in United Nations General Assembly resolutions. To give one example, such an assessment could examine the implementation of language adopted at the Sixty-first Session of the General Assembly with respect of bottom fisheries.

Thank you, Mr. Co-chair.