

## The Second Session

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The second session of the UN General Assembly's Informal Consultative Process on the Oceans and the Law of the Sea (UNICPOLOS)<sup>1</sup> took place in New York, at the United Nations, from 7-11 May, 2001. Participation of Members of the General Assembly was still limited

(48) but Delegations were large – the US Delegation consisted of 17 members! – and many heads of Delegation came from their capitals. Even those States which had not only not ratified, but even not signed, the Law of the Sea Convention and had voted against its adoption in 1982 (Israel, Turkey, the US, Venezuela) were present. Thirty-eight developing countries participated. Twenty Intergov-

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ernmental Organisations had delegations, five UN Programmes, Offices and Bodies were represented, as well as eight major Non-Governmental Organisations (NGOs). The International Ocean Institute (IOI) had three representatives and introduced two working papers. The Division of Ocean Affairs and the Law of the Sea (DOALOS) participated with a staff of 15, while the Department of Economic and Social Affairs had one representative. The meeting was chaired, as had been the first, by Ambassador Tuiloma Neroni Slade of Samoa and Mr. Alan Simcock of the UK.

Looking at the (provisional) list of these participants, as issued by the Secretariat, one gets the impression that, in practice, it does not make a great deal of difference whether these sessions are classified as "formal" or "informal." The lists look much the same. So does the conduct of the discussions. The IOI is nevertheless in favour of "upgrading" the Process, making it a "Committee of the Whole" of the General Assembly, as we had advocated from the beginning. This could be achieved in 2002, when the Consultative Process will be reviewed by the General Assembly. We also feel it would be useful to expand the duration of the sessions from one week to two, considering the growing importance and volume of ocean affairs. The meeting of States Parties to the LOS Convention (SPLOS) lasts two weeks, even though its agenda is



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much more limited. Undoubtedly, UNICPOLOS needs at least as much time as SPLOS.

Most of the concerns and uncertainties that pervaded the atmosphere last year seem to have dissipated. There is

now a consensus that the "Process" is fulfilling an essential task and has tangibly contributed to improving the General Assembly's output on ocean affairs and the law of the sea. This year's contribution matches last year's in importance. Just as last year, it is structured in a Report consisting of three parts:

- Part A – Issues to be Suggested, and Elements to be Proposed, to the General Assembly – this part having been adopted by a consensus of the meeting;
- Part B – Co-Chairpersons Summary of Discussions – this part being the sole responsibility of the two Co-Chairpersons; and
- Part C – Issues for Consideration for Possible Inclusion in the Agendas of Future Meetings.

The topics selected by the General Assembly for this session were marine science and technology, with a focus on, first, how best to implement the many obligations of States and competent international organisations under Parts XIII and XIV of the UN Convention on the Law of the Sea, and, second, measures to prevent and combat incidents of piracy and armed robbery at sea, including through regional cooperation, and to investigate or cooperate in the investigation of such incidents wherever they occur, and bring the alleged perpetrators to justice in accordance with international law.

Both these issues are rich in interdisciplinary implications, involve a number of Convention regimes and international organisations, and need to be discussed "with an emphasis on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced."<sup>2</sup>

Without exception, stress was laid on the need for an *integrated, ecosystem oriented approach* and on the fundamental importance of *regional cooperation and organisation*. These were, so to speak, the *Leitmotifs* underpinning the entire session. Delegations

"highlighted the value of an integrated approach to all matters concerning oceans and seas and of intergovernmental and inter-agency cooperation and coordination. It was pointed out that strengthening coordination at all levels in matters related to the oceans and seas was the overriding purpose of the Consultative Process."<sup>3</sup>

The advantages of regional cooperation and organisation are threefold, as pointed out in the IOI statement: first of all, the regional sea approximates most closely what is now called a "Large Marine Ecosystem" (LME), and this facilitates fisheries management as well as pollution control from most sources. Second, the regional level offers economies of scale, facilitating, among other things, the advancement of marine scientific research and the development and transfer of technologies. Third, the States bordering regional seas often have developed common historical and cultural traits and share a commonality of interests. This may facilitate the advancement of regional security, through the kind of cooperation required for the suppression of piracy and other crimes at sea.<sup>4</sup>

There were also a number of practical proposals as to how to advance this development, especially at the regional

level, *e.g.*, through implementation of joint projects between regional organisations of United Nations Environment Programme (UNEP) Regional Seas Programme and other relevant international organisations. Closer cooperation between FAO (the UN Food and Agriculture Organisation) and its regional fisheries commissions and the Regional Seas programme was urged. Cooperation between UNEP, the International Maritime Organisation (IMO), the Intergovernmental Oceanographic Commission (IOC), and other competent organisations was emphasised. The kind of cooperative structure at the regional level envisaged by the Delegations was in fact converging with that proposed by UNEP for the implementation of the Global Programme of Action for the Marine Environment (GPA). In the UNICPOLOS context this kind of cooperative structure would be multi-functional, enhancing integrated management.

It was also pointed out that

IOC regional bodies could have a central role in regional scientific cooperation and monitoring and that their cooperation with regional seas arrangements and regional fisheries organisations and arrangements should be strongly encouraged. Such regional cooperation could provide a means of fulfilling the obligation under UNCLOS regarding the establishment of regional centres for marine science and technology.<sup>5</sup>

By far the most concrete and important recommendation made this year was that

The regional centres foreseen by Part XIV of the UN Convention on the Law of the Sea (UNCLOS) (articles 276 and 277) should be established. With assistance from IOC, where needed, these might be developed as “virtual centres”, based on the collaboration of regional fisheries, marine environmental and scientific bodies.<sup>6</sup>

This is all the more important since the Articles mandating the establishment of these Centres had been completely neglected by the international community ever since 1982, when the Convention was adopted. If UNICPOLOS II had done nothing else, besides resuscitating these two articles, which are so highly relevant especially for developing countries, it would have made a significant contribution to the implementation of the UNCLOS/UNCED (UN Conference on Environment and Development) process.

There is, however, a *caveat*.

In dealing with its mandate of focusing on *science and technology*, the discussion leaned heavily towards *science*, being far less concrete on *technology*. This disequilibrium had two consequences. First, it biased the presentations and discussions in favour of industrialised countries and their priorities; second, it somewhat distorted the purpose of the Regional Centres mandated by Articles 276 and 277 of the LOS Convention, making them *science centres* rather than *technology centres*. No attention was given to the fact that Articles 276 and 277 are placed in Part XIV of the Convention, entitled, “Development and Transfer

of Marine Technology”, not in Part XIII, entitled “Marine Scientific Research.” The discussion linked the Centres exclusively to *scientific* Institutions, whether regional or global, stressing, above all, the role IOC should play in their establishment. Partners which would be important for *technology centres*, such as, on the one hand the United Nations Industrial Development Organisation (UNIDO) and, on the other, the private sector industry, responsible for a large part of technology development and transfer, were left out completely. The technological needs of developing countries were discussed in the most general way, with no progress on the issue of how they were to be satisfied.

This is in no way intended as a criticism of the Co-chairmen, who did a first-rate job, but had to reflect faithfully the course of the discussions – and this is how the discussions went.

The delegations themselves, however, showed awareness of the shortcomings of the discussion on development and transfer of technology; for many of them suggested that this subject should be placed again on the list of subjects for the third session of UNICPOLOS in 2002. It certainly would be included under the general subjects for that session, on which there appeared to be a consensus, *i.e.*, “capacity-building and regional approach in oceans management and development.”<sup>7</sup> There is certainly a great deal of work to be done to define the structure and functions of the Regional Centres within the context of the Regional Seas Programme, considering the new aspects of high technology which also affect the ways in which this kind of technology can be “transferred” – *i.e.* “learned” – most effectively, and ensuring that these Centres – or “virtual centres” or “systems” – serve the technological needs arising from the implementation of *all* UNCLOS/UNCED Conventions, Agreements, Codes of Conduct, Protocols and Programmes which are all closely related. The Centres thus would also be instrumental in *integrating various convention regimes at the operational level in a regional context*. This need was clearly understood by the delegation of Norway. The Norwegian statement pointed, first, to the interrelation between UNCLOS and Chapter 17 of Agenda 21:

These links are based on two fundamental premises, namely that UNCLOS is the legal framework within which all activities related to oceans must be considered, and that Chapter 17 of Agenda 21 remains the fundamental programme of action for achieving sustainable development with respect to oceans and seas.

The Norwegian statement also stressed the importance of the impact of the Biodiversity and Climate Change Conventions on UNCLOS:

It is important that these international instruments are understood also in the context of UNCLOS.

It also pointed out that there is still a considerable potential for the formulation of policies and the implementation of measures.

Regarding the regional centres mandated in Articles 276 and 277 of UNCLOS, It would indeed be useful if

DOALOS could prepare a study on their practical implementation as a basis for discussion next year.<sup>8</sup>

This having been noted, it should immediately be underlined that the quality of the background papers, the presentations and discussions on *Science* was first rate. Two panels introduced the subject, divided into two parts: "Improving Structures and Effectiveness" and "Priorities in Marine Science and Technology." IOC's Executive Secretary, Dr. Patricio Bernal, contributed a great deal to both panels. In addition, he also spoke as the Coordinator of the Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination (SOCA/ACC). The day was a true marathon for Dr. Bernal, who provided a wealth of information and answered questions with remarkable frankness. The overview of the "state of the art" of the marine sciences revealed a shift of paradigm, from the study of the physics of the ocean to a more integrated approach, with emphasis on the chemical and biological parameters, and from certainty to uncertainty, considering that "only some 0.0001 per cent of the deep-sea floor has been subject to biological investigations!"<sup>9</sup> Climate change, ocean-atmosphere interaction, human dimension of global change, and ocean observation at the global level were considered issues of major interest to marine scientific research today. Ocean ecosystem science and marine science for integrated coastal area management were identified as other priorities.<sup>10</sup>

Outstanding contributions to the discussion of scientific research were made by delegations from the United States, China and Norway, among others.

The delegation from China gave a most encouraging description of the development of marine sciences in China, in particular in coastal and ocean surveys, oceanographic research, research and development and the application of new and high ocean technologies.<sup>11</sup> It should be noted in this connection that interesting changes are taking place in the world's science population distribution. While we are still bemoaning the science- and technology gap between the industrialised and non-industrialised world, we seem to overlook the prodigious number of scientists, including marine scientists, being trained in China, India, Brazil, Mexico, Argentina, Cuba and a few others. It can in fact be taken for granted that in 10-20 years the majority of marine scientists will come from developing countries. This will undoubtedly affect the philosophy of science and the research agenda of the international community in the coming decades.

In the context of science for fisheries management, Mr. Neureiter of the United States noted that

"The paradigm is now shifting from managing single species and maximising yields of every species, to sustainably managing marine ecosystems. This requires integrating scientific information from many disciplines, ranging from species abundance to physical and biological oceanography to changes in habitat and introduction of land-based pollutants."

The importance of moving from a species-oriented to an ecosystem-based approach to fisheries management was

also stressed by Mr. Skjoldal of Norway who gave a brilliant presentation of marine ecosystems and an ecosystem approach to their management, including a plan of action, involving combined monitoring and research, transferable experience, and training and capacity building. I shall not attempt a summary of his findings, since there is an excellent summary in the Co-Chairmen's Report.<sup>12</sup> Instead I want to raise one point which did not come up in the discussion but might open new possibilities for the solution to one of the worst problems plaguing the world's fisheries, and that is the problem of by-catch. It seems incredible that almost one-third of the global fish-catch (270 million tons) is discarded, killed and thrown back into the sea as "by-catch" – and this at a time when fisheries are under such terrible pressure and unable to keep up with growing demands for food. It seems to me that in the context of an "ecosystem-based fisheries management" there is no room for the concept of "by-catch" which is logically linked to "species-based fisheries management." An ecosystem-based fisheries management system must find new approaches to the problem.

Certainly, technology can contribute to a solution. Turtle exclusion devices have been effective, and there are other selective gear improvements. But there is no technological fix so long as all the economic incentives are wrong. What can a shrimp fisher do when his catch consists of x tonnes of shrimp and 12 times that amount of "by-catch"? If he kept the by-catch on his boat, there would be no room for the shrimp which fetches him a multiple of the revenue he could derive from the by-catch. He has no choice. He must dump the by-catch back into the ocean.

In an ecosystem-based fishery, "by-catch" becomes "additional catch" with an added value which must be fully utilised. While technological improvements of selective gear must continue, there might be financial incentives for seafood corporations to jointly, or cooperatively, manage ships to circulate among the fishing boats and relieve them of their additional catches for a modest price and process them, at sea or on land, whether for human consumption, for aquaculture feed, or for the production of fertilisers, or other chemical or pharmaceutical use: all of this production has a commercial value and can be sold.

It is surprising to think that such a simple change would increase production by 30 per cent! The paradigm shift from species-based to ecosystem-based fisheries management would now seem to command it.

Another interesting point that came up during the discussions, stimulated in particular by Australia, is the need for protecting biodiversity in international waters, including the deep sea-bed as well as seamounts where many species are yet to be discovered. During an evening reception, the delegation from Australia showed a film on the biota of the deep sea which was so powerful and beautiful that it was perhaps more convincing for many delegates than the most elaborate oral presentations! A number of delegations stressed the potential of utilising the non-living resources of the sea-bed and that there was a need for programmes to be geared to the integrated goals of sustainable use of the common heritage of mankind.<sup>13</sup>

As already indicated, this article is not intended as a

summary of the discussions, which is available in the Co-Chairmen's report. Here I wanted merely to indicate some points on which the discussion has stimulated new thinking, where action is required and new approaches can be developed.

Let me now take up the second major agenda item, the suppression of piracy and armed robbery at sea.

Although this subject appears, at first sight, far remote from the marine sciences and technologies, there are in fact linkages and parallels.

The linkage is in the vandalism perpetrated by robbers, armed or unarmed, on the moored or unmoored buoys deployed at sea for scientific research. The discussion indicated that financial and scientific losses caused by this vandalism were quite considerable, heavier in areas where fishing activities, including IUUF (illegal, unreported and unregulated fishing), are concentrated.

The parallels are that *regional cooperation* is as essential for the suppression of piracy as it is for marine scientific research and technology transfer. "Integrated



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management", however, is far more difficult to establish in the case of the suppression of piracy, as it involves the most sensitive aspects of national sovereignty.

Excellent introductory statements were heard, describing the alarming rise of piratical occurrences, especially in South-east Asia, the South China Sea, the Caribbean, and West Africa. These occurrences have almost tripled during the past decade, causing most serious threats to human life, the safety of navigation and international trade as well as the environment. Cases were cited where victimised ships, carrying toxic substances, were drifting in traffic congested areas such as straits, without steering, the crew having been blindfolded and bound, or killed by

the pirates: a recipe for environmental disaster. All the efforts of the International Maritime Organisation (IMO), the International Maritime Bureau of the International Bureau of Commerce and others had failed to halt the phenomenal rise of acts of piracy which were frequently linked to organised criminal syndicates and other crimes at sea, such the illegal transport of persons and goods, including drugs. No country could deal alone with these global problems. Among the measures that have been or should be adopted to suppress piracy, the following were mentioned:

- training in preventive measures to be taken by the crews;
- establishment of a piracy reporting centre in Kuala Lumpur financed by shipowners and the P&I Clubs;
- National legislation for the prosecution of apprehended pirates; a model law has been developed by the Comité Maritime International which may assist in this development;
- the use of technology such as tracking devices which can be hidden on board;
- a greater role for the flag state (incidentally: It is not yet publicly acknowledged, or even noted, that flag state control is a dying concept. The globalisation of the shipping industry and in particular the phenomenal rise in shipping tonnage registered under flags of convenience with no control over their registered ships have made the concept meaningless. What will take its place is a question to be faced during the coming years. Port State control will certainly become more important. Shifting of responsibility and liability from the State to the shipowner or operator may be another approach);
- regional cooperation, including joint patrols;
- intergovernmental involvement, exemplified by IMO, but possibly to be complemented by some law enforcement involvement at the intergovernmental level.<sup>14</sup>

Outstanding, during the discussion, was the contribution of Japan. Japan had organised a regional conference on combating piracy and armed robbery against ships in which 17 countries participated. The Conference adopted three important documents, "The Tokyo Appeal," advocating cooperation among coastguards and navies; as well as a plan for strengthening the self-defence capability of ships; a "Model Action Plan," with concrete measures to be implemented in the short term; and guidelines to facilitate regional cooperation on combating piracy, entitled "Asia Anti-Piracy Challenges 2000". On the basis of this latter document, the Japanese Coast Guard conducted joint exercises with India and Malaysia. These exercises covered communication, search and rescue, interception and boarding.

At the Regional Experts Meeting on Combating Piracy, held in Kuala Lumpur in November 2000, Japan offered to accept students from the Asian region at the Ja-

pan Coast Guard Academy. Students from Thailand, Vietnam, Malaysia, Indonesia and the Philippines have joined the school since April 2001.

**Annex 1**  
**Issues to be suggested, and elements to be proposed, to the General Assembly**

<b>Issue A:</b>	<i>Further progress on the prevention, deterrence and elimination of illegal, unreported and unregulated fishing;</i>
<b>Issue B:</b>	<i>Protecting the marine environment from land-based activities;</i>
<b>Issue C:</b>	<i>"Science for Development": the importance of marine scientific research for a wide range of goals;</i>
<b>Issue D:</b>	<i>Strengthening international cooperation at the regional level;</i>
<b>Issue E:</b>	<i>Establishing better links between marine scientists and policy-makers and managers;</i>
<b>Issue F:</b>	<i>Proper planning of marine science projects and better implementation of UNCLOS;</i>
<b>Issue G:</b>	<i>Exchange and flow of data;</i>
<b>Issue H:</b>	<i>Capacity-building for marine science and technology;</i>
<b>Issue I:</b>	<i>Strengthening global action to deliver effective marine science;</i>
<b>Issue J:</b>	<i>General policy on marine science;</i>
<b>Issue K:</b>	<i>Interactions between the atmosphere and the oceans;</i>
<b>Issue L:</b>	<i>The needs for scientific understanding for the management of marine ecosystems;</i>
<b>Issue M:</b>	<i>The needs for scientific research for integrated coastal management;</i>
<b>Issue N:</b>	<i>The need for scientific research for maritime operations;</i>
<b>Issue O:</b>	<i>General policy to promote cooperation and ensure coordination on piracy and armed robbery at sea;</i>
<b>Issue P:</b>	<i>Prevention of piracy and armed robbery at sea;</i>
<b>Issue Q:</b>	<i>The framework for responses to piracy and armed robbery at sea;</i>
<b>Issue R:</b>	<i>Response to incidents of piracy and armed robbery at sea;</i>
<b>Issue S:</b>	<i>Coordination and cooperation within the United Nations system.</i>

The Delegation from Japan also gave an excellent overview of the causes of failure of anti-piracy action thus far:

- the lack of communication and cooperation among the various national agencies involved;
- the response time after an incident has been reported to the coastal State concerned by affected ships;
- general problems of incident reporting;
- lack of legislation for the prosecution of pirates and armed robbers when apprehended;
- lack of regional cooperation;
- the continuing economic situation prevailing in certain parts of the region;
- the geographical configuration of certain countries;
- the resource constraints on law enforcement agencies.<sup>15</sup>

The paper submitted by the International Ocean Institute was in full accord with the trends of this discussion, but went one step further. Attempting to explore the institutional implications of Principle 5 of the Rio Declaration<sup>16</sup> stating that "Peace, development and environmental protection are interdependent and indivisible", the IOI constructed a "discussion model" for the establishment of a "regional coastguard" to be integrated into the institutional framework of Regional Seas Programmes. The IOI paper fully realised the political and ideological obstacles,

but envisaged this step as the logical, if long-term, conclusion of the arguments brought forward and the development initiated by this second session of UNICPOLOS.

Part A of the Report, "Issues to be suggested and elements to be proposed to the General Assembly" is a distillation of Part B, the summary of the discussions. The recommendations are clustered around 19 (A-S) "issues," many of them overlapping. They are listed in the Annex to this brief report.

In accordance with the discussions, the recommendations are strong on enhancing regional cooperation and programmes, a wider scope for the UNEP's Regional Seas Programme through systemic cooperation with other regional bodies, especially regional fisheries commissions. Most important is the recommendation to implement Articles 276 and 277 of the Law of the Sea Convention through the establishment of regional centres for the development and transfer of technologies (paragraph 9).

Recommendations for the suppression of piracy and armed robbery at sea include:

- improvements in the reporting system;
- training of ships' masters and seamen in defensive measures;
- training of coastal states' personnel involved in all aspects of the response, including apprehension, investigation, prosecution and exchange of evidence;
- establishment of up-to-date contingency plans;

**Annex 2**  
**Part C**  
**Issues for Consideration for possible inclusion in the agendas of future meetings**

1. There was broad support for including capacity building and regional approach in oceans management and development as areas of focus for the third Meeting of the Consultative Process.
2. Other suggestions put forward include:
  - (a) marine protected areas;
  - (b) ecosystem-based integrated management of the marine environment;
  - (c) potential and new uses of the oceans;
  - (d) review of the national, regional and global implementation of Part XII of UNCLOS;
  - (e) development and transfer of marine technology;
  - (f) ocean stewardship;
  - (g) food security and mariculture;
  - (h) cooperation and coordination between regional fisheries organisations and regional seas programmes of UNEP;
  - (i) impact of the activities in the international sea-bed area as a source of contamination of the marine environment;
  - (j) fishery subsidies and their clear and negative effect on the conservation of marine living resources;
  - (k) marine debris;
  - (l) integration of the applicable legal provisions and programme issues.
3. There was support for evaluation of the progress achieved under the four areas of focus at the first and the second Meetings: "responsible fisheries and illegal, unreported and unregulated fisheries: moving from principles of implementation"; "economic and social impacts of marine pollution and degradation, especially in coastal areas"; "Marine science and the development and transfer of marine technology, as mutually agreed, including capacity-building"; and "coordination and cooperation in combating piracy and armed robbery at sea."

- attention of flag states to avoid the registry of bogus ships;
- ratification of UNCLOS and the Rome Convention and protocols for the suppression of unlawful acts against the safety of maritime navigation; and, most important,
- regional cooperation arrangements, with the aim of creating a network of contacts between the public authorities concerned, based on mutual trust and reciprocal help. Such regional cooperation arrangements may, in suitable cases, be strengthened by the conclusion of formal agreements.

On the final issue (S), Coordination and coordination within the United Nations system, there is one recommendation:

The General Assembly should invite the Secretary-General, in his review of the mechanism under the Administrative Committee on Coordination, to bear in mind the continuing need for a forum within the UN system, with a clear structure and adequate resources, which can bring together the many parts of that system concerned with the oceans and coastal areas, in order to promote coordination and cooperation across the UN system and thus ensure an integrated approach to ocean issues at the global level.

This forum is undoubtedly UNICPOLOS which should be further strengthened and developed through next year's review by the General Assembly.

Part C of the Report, "Issues for consideration for possible inclusion in the agendas of future meetings," is reproduced in Annex 2. Some of the issues listed, as, for example, "marine debris," are perhaps a little too specific for UNICPOLOS and should be discussed in more specialised fora; others might be grouped together, *e.g.*, the three subjects dealing with fisheries and mariculture, and the issue of by-catch might be added. The issue of the International Sea-bed Authority is conceived far too narrowly. The discussion might include the structure and mandate of the Authority in the context of technological, scientific and economic change as well as the interaction

between the Authority and other Convention regimes such as the Biodiversity and Climate Change Conventions, with overlapping responsibilities and mandates.

"Ocean stewardship," finally, is a broad and philosophical concept. It might be made more concrete by having it integrated in the issue of "ocean economics: the value of the ocean in the world economy; the peculiarities of economics impacted by extraterritoriality, maximal risk and uncertainty, the need to cooperate rather than compete, and the concept of the Common Heritage of Mankind."

Another issue might be the "twilight of flag-state control."

Evidently there is no lack of subject matter on which UNICPOLOS can make essential and unique contributions to the evolution of an ocean and coastal area regime for many years to come.

## Notes

<sup>1</sup> United Nations Open-Ended Informal Consultative Process, established by the General Assembly in its Resolution 54/33, in order to facilitate the annual Review by the Assembly of developments in ocean affairs. See *Environmental Policy and Law*, Vol. 30, No. 5 at page 224, for a report on the First Session.

<sup>2</sup> General Assembly Resolution 54/33, establishing UNICPOLOS.

<sup>3</sup> Co-Chairpersons' summary of discussions, para.8.

<sup>4</sup> *Ibid.*, para.188.

<sup>5</sup> *Ibid.*, para.194.

<sup>6</sup> Draft Report on the Work of the Consultative Process at its Second Meeting. Part A, Issues to be suggested and Elements to be Proposed, to the General Assembly, para.9.

<sup>7</sup> Co-Chairmen's Report, Part C, "Issues for Consideration for Possible Inclusion in the Agendas of Future Meetings," Para. 1 and 2.

<sup>8</sup> The paper submitted by the IOI, *UNICPOLOS II, a Discussion Paper Compiled by the International Ocean Institute*, Halifax: International Ocean Institute Operational Centre, Dalhousie University, 2001, attempted to deal with these issues and proposed a "discussion model." The paper is available on the IOI Website.

<sup>9</sup> World Wildlife Fund for Nature, *The Status of natural resources on the high seas*, Gland, Switzerland: WWF, 2001, IUCN, 2000. Background paper, distributed by WWF.

<sup>10</sup> Para. 198.

<sup>11</sup> Para. 215.

<sup>12</sup> Paragraphs 206-211.

<sup>13</sup> Paras 247-248.

<sup>14</sup> Paragraph 276.

<sup>15</sup> Paragraphs 277-288.

<sup>16</sup> Adopted at the UN Conference on Environment and Development (UNCED) in June 1992. The Declaration is a set of 27 Principles to govern. The economic and environmental behaviour of individuals and States in the quest for global sustainability. See *Environmental Policy and Law*, Vol. 22, No. 4 (1992) at page 268.

