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Ann Powers

Elisabeth Haub School of Law at Pace University

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Reflections on Oceans and SIDS

by Ann Powers*

A great deal has already been written about the UN Conference on Sustainable Development and its outcome document, “The Future We Want”. Much of the commentary has been critical of both the process and the document. To understand the process and the final result, it may be useful to look at how one or two issues advanced over the course of the negotiations. Both ocean advocates and representatives of Small Island Developing States (SIDS) seemed relatively satisfied with the results of the conference, and a look at those interlinked matters is interesting.

Preparations and planning for the conference commenced long ago but the level of activity, especially on the part of the various national delegations and civil society, began in earnest in the fall of 2011. The Global Oceans Forum produced an extensive draft report, *Oceans at Rio+20*, which provided report cards on the ocean-related commitments made at the 1992 Rio UN Conference on Environment and Development and the 2002 Johannesburg World Summit on Sustainable Development. The report noted positive developments but was unflinching in pointing out the areas where goals had not been achieved or progress had not been made. The draft was the focus of a workshop organised by the Forum and several SIDS along with assistance from a number of UN and other international entities. National delegations, NGO representatives and government officials participated, helping to identify key issues and goals. The Forum issued a detailed summary of the meeting which was circulated widely, then a *Oceans at Rio+20: Summary for Decision Makers* report, followed by a set of recommendations for consideration by the delegations to the conference. The recommendations were detailed and ambitious, calling for regulation of greenhouse gas emissions and other efforts to address the impacts of climate change on oceans; for development of an international policy framework for a “Blue Economy”; and giving special attention to the needs of SIDS. Other organisations, such as the Natural Resources Defense Council and the Pew Environment Group, along with a number of SIDS, were also actively issuing reports and recommendations, and working to promote the inclusion of strong ocean and island provisions in the final Rio document.

Two Preparatory Committee (PrepCom) meetings had already taken place in 2010 and early 2011, with a third to occur in June 2012 immediately prior to the Rio+20 Conference. In the meantime, a series of inter-sessional meetings were scheduled to consider a “Zero Draft” of the final outcome document. In advance of these meetings, the Conference Bureau issued a call for contributions from interested parties to be compiled prior to the preparation of the zero draft. The response ran to over 6000 pages of submissions from all sectors. Over 50 percent of the national submissions and all from political groups included

ocean issues, and many called for additional attention to the plight of SIDS.

The initial draft report, “The Future We Want”, was issued in January 2012. In 19 pages, it contained 128 relatively short paragraphs, seven of which spoke to Oceans and Seas and two related to SIDS. Of special import was the provision stating a commitment to initiate as soon as possible the negotiation of an agreement to address – under the United Nations Convention on the Law of the Sea (UNCLOS) – the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. A series of “informal-informal” negotiations then began at UN Headquarters, usually split into two large chambers each chaired by one of the two PrepCom Vice-Chairs, Ambassadors John Ashe (Antigua & Barbuda) and Sook Kim (Korea). Although the Secretary General and others had called for a concise and compelling document, as the meetings dragged on



Courtesy: Wikipedia

over the next months, the draft grew both in the number of paragraphs and the pages it consumed, at one point over 200. Ocean advocates and SIDS delegations worked hard to expand relevant provisions, meeting with country delegations and other officials to plead their cases. Efforts were made by the Chairs to shorten the document, but when the final informal-informal concluded in early June the draft stood at over 200 paragraphs, only a portion of which had been agreed upon. Brackets littered the text.

When the delegations arrived in Rio for the final PrepCom meeting, the negotiations continued, without substantial progress. At their conclusion, the Brazilian delegation, as hosts of the conference, took the document in hand, preparing a new consolidated draft and overseeing additional informal negotiations. At their conclusion, the document stood at 283 paragraphs, and 53 pages. Although it might have been amended by the delegates when the formal Conference commenced shortly thereafter, no delegation was prepared to propose changes for fear that the entire package would come undone. In the final document, oceans and coasts are addressed in 20

* Associate Professor, Center for Environmental Legal Studies, Pace Law School, White Plains, NY (<http://greenlaw.blogs.law.pace.edu/>).

paragraphs and SIDS in three. Most ocean advocates seemed reasonably satisfied, although the language



Ocean acidification is threatening marine life, particularly corals and shellfish, affecting communities dependent on fishing and aquaculture. Courtesy: UNEP

regarding an implementing agreement under UNCLOS was watered down. It now states that States will, by 2014, make a decision on the development of an implementing agreement. This is less than a commitment to actually develop an agreement. Likewise, representatives of the SIDS generally seemed satisfied that they had placed their issues before the delegates and secured substantial recognition of their concerns. They were especially pleased that the climate change section recognised their goal of limiting global temperature rise to 1.5 degrees Celsius.

In the end, however, the actual goals and commitments are not particularly ambitious or challenging, for a large part simply reaffirming past commitments. But that alone may be useful. Perhaps the most positive aspect of the outcome document was that it recognised many important ocean issues and raised the political profile of oceans. Overall it seems that the attention given in the final document to oceans and SIDS can be credited to the hard work over a sustained period of committed advocates and national representatives. Going forward, their work will be cut out for them in seeing that the goals embodied in the document are achieved.



CBD / SBSTTA-16/ WGRI-4

Development on Marine Biodiversity and on Climate Change

by Elisa Morgera*

The 16th Meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA-16) to the Convention on Biological Diversity (CBD) convened from 30 April to 5 May 2012 in Montreal, Canada,¹ followed by the Fourth Meeting of the CBD Working Group on Review of Implementation (WGRI-4).² This note will focus on the marine biodiversity and climate change issues discussed by SBSTTA, as these are likely to be the more substantive outcomes of the upcoming eleventh meeting of the CBD Conference of the Parties (COP-11), to be held in Hyderabad, India, 8–19 October 2012. The

note will also briefly review other selected outcomes of SBSTTA-16 and WGRI-4.

Marine Biodiversity

SBSTTA adopted three recommendations on marine and coastal biodiversity: on ecologically and biologically significant areas (EBSAs); on marine spatial planning, including draft voluntary guidelines for the consideration of biodiversity in environmental assessments in marine areas; and on sustainable fisheries and addressing adverse impacts of human activities on the marine environment.

Area-based Tools

Since COP-8 agreed to limit the remit of CBD work on marine protected areas beyond national jurisdiction to the provision of “scientific and, as appropriate, technical information and advice”,³ the CBD has gradually focused its work on EBSAs for the identification of marine areas worth protecting, without entering into the political or legal realm related to the actual designation and determination of the management regime of marine protected areas. SBSTTA-14 recommended including descriptions of areas that meet the criteria for EBSAs in a CBD repository for consideration by governments and relevant international processes, notably the General Assembly’s Working Group to study issues relating to the conservation and



L-R: Braulio Ferreira de Souza Dias, CBD Executive Secretary; SBSTTA-16 Chair, Senka Barudanovic; and David Cooper, CBD Secretariat. Courtesy: IISD

* LL.M., Ph.D. Lecturer in European Environmental Law, University of Edinburgh School of Law, UK.