

2003 Evian Interim Compliance Report Environment (Marine Environment)

Commitment:

2003 – 121: “We commit to the ratification or acceding to and implementation of the United Nations Convention on the Law of the Sea, which provides the overall legal framework for oceans.”

Background:

This commitment stems from increased concern over environmental issues pertaining to the Earth’s marine environment. Recent environmental disasters resulting from unsafe and careless shipping practices, the increasingly alarming state of the world’s fisheries, as well as other related issues, have brought to the attention of the international community the urgent need for increased efforts in this area of international cooperation. As the United Nations Convention on the Law of the Sea is the basis of the main international legal framework governing practices that are potentially harmful to marine environment, the G8 have made this commitment in order to support efforts to curb environmental damage through better management of marine ecosystems and resources.

Assessment:

| Score | Lack of Compliance -1 | Work in Progress 0 | Full Compliance +1 |
|-----------------|--------------------------|-----------------------|-----------------------|
| Canada | | | +1 |
| France | | 0 | |
| Germany | | 0 | |
| Italy | | 0 | |
| Japan | | 0 | |
| Russia | | | +1 |
| United Kingdom | | | +1 |
| United States | | 0 | |
| European Union* | | | +1* |
| Overall | | 0.375 | |

Individual Country Compliance Breakdown:

1. Canada: +1

On 7 November 2003, Canada signed and ratified the United Nations Convention on the Law of Sea. On that same day, Canada ratified an agreement relating to the implementation of Part XI of the Convention. On 3 August 1999, Canada signed and ratified the agreement for the

implementation of the provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.²²¹

Canada's 2003 Federal Budget provided part of CDN\$1 billion over a 5 year period, aimed at addressing environmental concerns, to "upgrade, maintain and monitor water and waste systems and reserves...commence the establishment of 5 new national marine conservation areas and restore the ecological health of existing".²²²

Through the Canadian International Development Agency's Technical assistance Program, Canada has made a significant contribution to the development of the Russian Arctic through a number of current projects on the environment,²²³ including, for example, the ECORA Project on An Integrated Ecosystem Management Approach to Conserve Biodiversity and Minimize Fragmentation in Three Selected Model Areas in the Russian Arctic, with UNEP as an implementing agency.²²⁴ This evidence supports Canada's efforts towards the implementation of the UNCLOS's provisions regarding preservation of biodiversity and, as such, is evidence of Canada's compliance with this Evian commitment on the environment.

2. France: 0

France made a declaration and ratified the United Nations Convention on the Law of the Sea (UNCLOS); and, signed and ratified the agreement relating to the implementation of Part XI of the Convention in April 1996. On 19 December 2003 France made a declaration and ratified the Convention Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.²²⁵ France's ratification of the Agreement since the Evian Summit represents a step in support of the implementation of UNCLOS and, as such, qualifies as partial compliance with the Evian commitment to the ratification, accession to and implementation of UNCLOS.

3. Germany: 0

Germany acceded to the United Nations Convention on the Law of the Sea (UNCLOS) on 14 October 1994. On the same date, it also ratified the Agreement Relating to the Implementation of Part XI of the Convention. Finally, it also signed the Agreement for the Implementation of the

²²¹ United Nations Department for Oceans and the Law of the Sea, "Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the implementation of Part XI of the Convention and of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish and highly migratory fish stocks," 23 December 2003, www.un.org/Depts/los/reference_files/status2003.pdf

²²² Department of Finance Canada, "Sustainable Development Strategy: Planned Results for 2003-04," www.fin.gc.ca/toce/2003/susdevplane.html

²²³ Department of Foreign Affairs and International Trade of Canada, "The Northern Dimension of Canada's Foreign Policy," www.dfait-maeci.gc.ca/circumpolar/ndfp_rpt-en.asp#18

²²⁴ "ECORA: Integrated Ecosystem Approach to Conserve Biodiversity and Minimize Habitat Fragmentation in the Russian Arctic," Project Website, www.grida.no/ecora/projectbrief.htm

²²⁵ United Nations Department for Oceans and the Law of the Sea, "Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the implementation of Part XI of the Convention and of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish and highly migratory fish stocks," 23 December 2003, www.un.org/Depts/los/reference_files/status2003.pdf

Provisions of the Convention Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. On 18 December 2003 Germany also ratified this last Agreement relating to the Convention.²²⁶ Germany's ratification since the Evian summit of the Agreement represents a step in support of the implementation of UNCLOS and, as such, qualifies as partial compliance with the Evian commitment to the ratification, accession to and implementation of UNCLOS.

4. Italy: 0

Italy made a declaration for the United Nations Convention on the Law of the Sea (UNCLOS) on 13 January 1995. Italy signed the Agreement relating to the implementation of Part XI of the Convention on 13 January 1995. Italy signed and made a declaration on the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks on 19 December 2003.²²⁷ Italy's failure to ratify the UNCLOS and its related Agreements constitute neglect on behalf of the Italian government of the Evian commitment. However, their 19 December 2003 signature of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks indicates a work in progress on issues related to the Law of the Sea.

5. Japan: 0

Japan signed and ratified the United Nations Convention on the Law of the Sea (UNCLOS) on 20 June 1996. On the same date, it also ratified the Agreement Relating to the Implementation of Part XI of the Convention. Finally, it also signed the Agreement for the Implementation of the Provisions of the Convention Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. However, Japan has not yet ratified the Agreement on the implementation of UNCLOS.²²⁸ Japan's failure to ratify this Agreement, intimately connected to UNCLOS and its implementation, indicates a neglect on the part of the Japanese government of their Evian commitment so far.

On the occasion of the 24 November 2003 United Nations General Assembly Meeting in New York, Japan, through a statement delivered by His Excellency Ambassador Yoshiyuki

²²⁶ United Nations Department for Oceans and the Law of the Sea, "Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the implementation of Part XI of the Convention and of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish and highly migratory fish stocks," 23 December 2003, www.un.org/Depts/los/reference_files/status2003.pdf

²²⁷ United Nations Department for Oceans and the Law of the Sea, "Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the implementation of Part XI of the Convention and of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish and highly migratory fish stocks," 23 December 2003, www.un.org/Depts/los/reference_files/status2003.pdf

²²⁸ United Nations Department for Oceans and the Law of the Sea, "Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the implementation of Part XI of the Convention and of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish and highly migratory fish stocks," 23 December 2003, www.un.org/Depts/los/reference_files/status2003.pdf

Motomura, Deputy Permanent Representative of Japan at the United Nations, expressed its commitment to “continuing its support of [and active participation in] the organs established under the Convention, namely, the International Seabed Authority (ISA), the International Tribunal for the Law of the Sea (ITLOS), and the Commission on the Limits of the Continental Shelf (CLCS).”²²⁹ On the same occasion, Japan reiterated its continued commitment to “the stability of the legal framework of ocean affairs” and to the “promotion of the prudent and equitable use of the sea by the international community, in accordance with the Convention”.²³⁰ These statements, clearly in support of universal signature, ratification and accession to UNCLOS, as well as containing a direct reference to the implementation of UNCLOS and its related Agreements (through the reference to the legal framework of ocean affairs), represent partial compliance with Japan’s Evian commitment regarding UNCLOS.

6. Russia: +1

On March 12, 1997, Russia signed and ratified the United Nations Convention on the Law of the Sea. On the same date, Russia acceded to the agreement relating to the implementation of Part XI of the Convention. On 4 August 1997 Russia ratified and made a declaration concerning the agreement for the implementation of the provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.²³¹

On 18 July 2003 a meeting of the Interdepartmental Commission was held that related to the coordination of the activities of the federal executive organs, concerning the realization of the Federal Central Program “World Ocean”.²³² The divisions of the subprogram strive for a holistic approach to economic and environmental problems and objectives of the marine ecosystem, including research and development, extractive industries, employment (securing 17,000 jobs), sustainable utilization of Arctic and Antarctic mineral and bio resources.²³³

On 3 December 2003 a conference took place between the UN representative of UNEP and the representative of the Mine Co-development of Russia. A Program of strategic actions concerning conservation and restoration of the marine environment of the Russian Arctic was developed and

²²⁹ Ministry of Foreign Affairs of Japan, “Statement by the H.E. Ambassador Yoshiyuki Motomura Deputy Permanent Representative of Japan at the General Assembly Meeting on Agenda Item 52(a): Oceans and the Law of the Sea 52(b): Sustainable Fisheries,” 24 November 2003, www.mofa.go.jp/announce/speech/un0311-3.html

²³⁰ Ministry of Foreign Affairs of Japan, “Statement by the H.E. Ambassador Yoshiyuki Motomura Deputy Permanent Representative of Japan at the General Assembly Meeting on Agenda Item 52(a): Oceans and the Law of the Sea 52(b): Sustainable Fisheries,” 24 November 2003, www.mofa.go.jp/announce/speech/un0311-3.html

²³¹ United Nations Department for Oceans and the Law of the Sea, “Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the implementation of Part XI of the Convention and of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish and highly migratory fish stocks,” 23 December 2003, www.un.org/Depts/los/reference_files/status2003.pdf

²³² Ministry of the Economy of Russian Federation, “World Ocean Program,” 9 January 2003, www.economy.gov.ru/merit/fcp_mirovoi_okean/index.htm

²³³ Ministry of the Economy of the Russian Federation, “World Ocean Program,” 9 January 2003, www.economy.gov.ru/merit/fcp_mirovoi_okean/index.htm

approved. Hence, some US\$30 million are planned to be provided by Russia and other participating parties for the program's implementation by 2008.²³⁴

In October 2003, the Russian Federation held a number of meetings with other G8 countries regarding different issues covered by the UNCLOS. Among these are: a meeting with German representatives concerning general environment questions; a meeting with Italy on cooperation in the management of water pollutants and resources in the framework developed within the European Union; and, a meeting with the Canadian Minister of Environment on the issues of monitoring and protecting biodiversity. The Russian Federation and the United States also signed a Protocol on Prevention and Elimination of the Oil Spillage in September 2003.²³⁵

Russia's actions since the Evian summit constitute tangible work towards the implementation of the UNCLOS' provisions, thus indicating compliance with the G8 Environment Commitment made in 2003.

7. United Kingdom: +1

The United Kingdom made a declaration and ratified the United Nations Convention on the Law of the Sea and signed and ratified the agreement relating to the implementation of Part XI of the Convention in 1995. In 2001, the United Kingdom made a declaration, signed and ratified the agreement for the implementation of the provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.²³⁶

On 10 December 2003 the Department of Trade and Industry published a memorandum for the House of Lords Second Report on Delegated Powers and Regulatory Reform. It included Clause 75(4) in the Energy Bill Annex which "gave domestic effect to Part V of the United Nations Convention on the Law of the Sea, as regards the production of energy from water or wind". In mapping the Renewable Zone (REZ), it follows the UNCLOS by reducing areas mapped out from the Continental Shelf Act of 1964 to 200 miles or less from the territorial sea baseline.²³⁷ These actions constitute strong compliance with the Evian commitment in the area of implementation of UNCLOS.

²³⁴ Ministry of Foreign Affairs of the Russian Federation, "Announcement of the Press Department of the Ministry of Economic Development and Trade of the Russian Federation," 8 December 2003, www.in.mid.ru/ns-dmo.nsf/a1c87897b58a9d2743256a550029f995/432569f10031eb9343256df7002be3ec?OpenDocument

²³⁵ Ministry of Foreign Affairs of the Russian Federation, "Announcement of the Press Department of the Ministry of Economic Development and Trade of the Russian Federation," 8 December 2003, www.in.mid.ru/ns-dmo.nsf/56b4db0e06b748b8432569f400359251/432569f10031eb9343256df7002be3ec?OpenDocument

²³⁶ United Nations Department for Oceans and the Law of the Sea, "Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the implementation of Part XI of the Convention and of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish and highly migratory fish stocks," 23 December 2003, www.un.org/Depts/los/reference_files/status2003.pdf

²³⁷ United Kingdom Parliament, House of Lords, "Delegated Powers and Regulatory Reform - Second Report", 10 December 2003, www.parliament.the-stationery-office.co.uk/pa/ld200304/ldselect/lddelreg/10/1002.htm.

8. United States: 0

The United States signed the Agreement relating to the implementation of Part XI of the Convention on the Law of the Sea (UNCLOS) on 28 July 1996. The U.S. also signed the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks in force on 11 December 2001. However, the United States has yet to ratify the Convention on the Law of the Sea.²³⁸

On 24 November 2003, the U.S. declared that it “fully supports accelerated development of the model audit scheme as an important mechanism to deal with substandard shipping and to enhance maritime safety, security, and marine environmental protection”.²³⁹ The United States has also made statements concerning their efforts towards accession to the UNCLOS. “The United States Senate has held two hearings on the Law of the Sea. Administrative witnesses, and others, others have expressed their strong support for U.S. accession to the Law of the Sea convention”.²⁴⁰

Further evidence of US support comes with actions taken to implement the White Water to Blue Water Partnership. This initiative is intended to help implement UNCLOS, the 1995 UN Fish Stocks Agreement, and the 2000 Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. For example, “The State Department has already committed US\$2 million to WW2BW-related projects worldwide (US\$1.5 million of which directly targets the Wider Caribbean Region)”.²⁴¹

9. European Union: +1*

The European Union made a declaration of ratification and formal confirmation for the United Nations Convention on the Law of the Sea (UNCLOS) on 1 April 1998. The European Union signed and ratified making a formal confirmation on the Agreement relating to the implementation of Part XI of the Convention on 1 April 1998. The European Union made a declaration on the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks on 19 December 2003.²⁴²

²³⁸ United Nations Department for Oceans and the Law of the Sea, “Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the implementation of Part XI of the Convention and of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish and highly migratory fish stocks,” 23 December 2003, www.un.org/Depts/los/reference_files/status2003.pdf

²³⁹ United States Mission to the United Nations, “Congressman Gilman: Statement on the Law of the Sea,” 24 November 2003, www.un.int/usa/03_241.htm

²⁴⁰ United States Mission to the United Nations, “Congressman Gilman: Statement on the Law of the Sea,” 24 November 2003, www.un.int/usa/03_241.htm

²⁴¹ USAID, “White Water to Blue Water,” 2003, www.usaid.gov/our_work/environment/water/wwf3.factsheets/white.water.to.blue.water.pdf

²⁴² United Nations Department for Oceans and the Law of the Sea, “Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the implementation of Part XI of the Convention and of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of

In a meeting of the Council of the European Union a directive was developed. “The aim of the Directive is to transpose the international rules on ship-source pollution of the MARPOL Convention into Community legislation and to establish harmonized rules for their enforcement. It also extends the measures to include offences occurring on the high seas in accordance with the provisions of the United Nations Convention on the Law of the Sea (UNCLOS). The council agreed on a general approach, pending the European Parliament’s opinion in the reading, concerning the proposal for a Regulation aiming at providing the European Marine Safety Agency with new tasks in the field of maritime security and in the process of Community recognition of the training and qualifications of third country seafarers, as well as additional competence and means to fight pollution caused by ships”.²⁴³

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straddling fish and highly migratory fish stocks,” 23 December 2003,
www.un.org/Depts/los/reference_files/status2003.pdf

²⁴³ Council of the European Union, “2551th Council Meeting – Transport Telecommunications and Energy,”
December 5, 2003,
[ue.eu.int/newsroom/makeFrame.asp?MAX=1&BID=87&DID=78234&LANG=1&File=/pressData/en/trans/78234.p
df&Picture=0](http://ue.eu.int/newsroom/makeFrame.asp?MAX=1&BID=87&DID=78234&LANG=1&File=/pressData/en/trans/78234.pdf&Picture=0)