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GENERAL ASSEMBLY ADOPTS TWO WIDE-RANGING RESOLUTIONS AIMED AT STRENGTHENING

WORLD'S LEGAL REGIME FOR OCEANS; PROTECTING FISHERIES, MARINE ECOSYSTEMS

Entitled: 'Oceans and the Law of the Sea'; 'Sustainable Fisheries': Texts Adopted after Assembly Hears from Some 40 Speakers in Day-Long Debate

Capping an extensive day-long joint debate on oceans and the law of the sea, the General Assembly today adopted two wide-ranging resolutions meant to guide States in preserving ocean health and outline ways to combat rogue fishing practices that continued to threaten fish stocks and marine habitats around the world.

By a vote of 120 in favour to 1 against (Turkey) with 3 abstentions (Colombia, El Salvador and Venezuela), the Assembly adopted its 34-page omnibus resolution on oceans and the law of the sea, by which it expressed its deep concern at the destruction of marine habitats that might result from land-based and coastal development activities. Among other things, it recognized that realizing the benefits of the Convention on the Law of the Sea could be enhanced by international cooperation, technical assistance and advanced scientific knowledge.

Further, in a section on maritime safety, the Assembly recognized the crucial role of international cooperation at the global, regional, subregional and bilateral levels in combating maritime security threats, including piracy. The 34-page resolution covered more than a dozen issues -- from the implementation of the Convention and capacity-building to peaceful dispute settlement, the continental shelf and regional cooperation.

Introducing the text, Brazil's representative said it was one of the longest and most comprehensive resolutions adopted by the Assembly. The depth and scope of the issues showed "that the problems of the ocean space were closely interrelated and needed to be considered as a whole". Describing various elements in the text, she said capacity-building was needed for the sustainable development of oceans and seas, nationally, regionally and globally. International cooperation and information sharing was needed in several areas, notably to fight transnational organized crime.

The text also highlighted the work of the Intergovernmental Panel on Climate Change, she said, including the findings on the acidification of oceans. The resolution's section on marine sciences stressed the importance of increasing scientific understanding of the connection between oceans and the atmosphere. The efficiency of the Open-ended Informal Consultative Process --which facilitates the annual review by the General Assembly of developments in ocean affairs -- had to be improved, a fact recognized during a June review that underscored the need for more transparency in selecting topics and panellists.

By a second text on sustainable fisheries, adopted by consensus, the Assembly deplored the fact that fish stocks were either overfished or subject to sparsely regulated fishing efforts, as a result of illegal, unreported and unregulated fishing and inadequate flag State control. It also recognized the need for States -- individually and through regional fisheries management organizations -- to implement effective port State measures, and the importance of applying "ecosystem approaches" to the management of human activities in the ocean.

Introducing the 13-part resolution, the United States' delegate said that this year's resolution addressed many critical issues, including the control of unregulated fishing and the reduction of fishing capacity. There were provisions to enhance the regulations of bottom fishing activities. The text articulated urgent actions that States and regional fisheries management organizations had to take. She urged additional cooperation on all these issues.

Some 40 speakers took the floor in the debate throughout the day, highlighting various aspects of the resolutions they found either innovative or needing attention.

Sweden's representative, speaking on behalf of the European Union, said that with 148 operative paragraphs, the sustainable fisheries resolution had become difficult to manage and the Union would favour shortening it in coming years. Despite that, a crucial part of this year's text focused on resolution 61/105 in relation to the impact of bottom fishing on vulnerable marine ecosystems. Resolution 61/105 represented "a real regime shift", which the European Union supported. His delegation would continue its work to develop protection of those habitats and establish regional fisheries management organizations or arrangements where they did not exist. He also welcomed the international commitment to ensure implementation of measures to manage deep-sea fisheries in the high seas.

Benin's delegate, speaking on behalf of the African Group, fully supported the principles set forth in the texts, but said they would not bring about sustainable practices unless real efforts were made to involve African coastal States in their application. Indeed, African coastal States, which lacked logistical and technical resources, watched powerlessly as their maritime zones were illegally exploited by trollers that, fleeing States with stronger monitoring, descended "merrily" on the African coastline. Such behaviour was wiping out endangered species. Without action, the structures set up under the Convention on the Law of the Sea might well succumb to the "law of the jungle".

Speaking on behalf of the Pacific Small Island Developing States, Nauru's representative said that international ocean governance was of critical concern to the countries he spoke for, as the ocean was an integral part of their cultural identity and a major source of food. The Pacific regional waters composed 10 per cent of the Earth's surface and much of this fell within the national jurisdiction of these States. The Pacific Ocean was also home to fish stocks of global importance.

Sri Lanka, as a nation substantially dependent upon the ocean, believed more strategies should be developed to better control fisheries beyond national jurisdictions, that country's delegate said. The Indian Ocean Tuna Commission, for example, should be part of a regional fisheries management organization or some other entity with wider powers and the capacity to regulate all high seas fisheries and stock-conservation schemes in the vast expanse of all the oceans.

Further, since oceans were indivisible ecosystems where national boundaries were "products of political expediency", the needs of developing States for assistance should be assessed in the context of the whole ecosystem of oceans, as called for in the resolution before the Assembly. "Fish do not recognize national jurisdictions," he said.

Several speakers also underscored that piracy off the coast of Somalia was a major concern, as it affected trade in the subregion and led to artificial food shortages, which posed serious security risks. Kenya's delegate pointed out that apprehended pirates were usually prosecuted in Kenyan courts, which placed a heavy financial and security burden on the country. He called on other States to participate in that endeavour.

Similarly, Jamaica's delegate, speaking on behalf of the Caribbean Community (CARICOM), reiterated that safe, secure and crime-free routes for navigation and the implementation of international rules and standards to improve marine safety and security had to underpin a comprehensive programme aimed at protecting maritime trade and threats to maritime security. CARICOM had agreed to collaborate in relevant international forums to share information and work together on the issue of piracy. CARICOM Member States that were members of the International Maritime Organization (IMO) would draft domestic legislation to tackle the problem and forward drafts to the organization's legal committee.

Also speaking today, were the representatives of Egypt, Monaco, Norway, Viet Nam, Kuwait, Indonesia, South Africa, Cuba, Singapore, Argentina, Thailand, Japan, Canada, China, Russian Federation, Ukraine, Republic of Korea, Mexico, Malta, Yemen, Venezuela, Maldives, Australia, Bangladesh, United Republic of Tanzania, India, Iceland, New Zealand, Ghana, Nigeria, Trinidad and Tobago.

Also speaking as observers were the Secretary-General of the International Seabed Authority, a representative of the International Union for Conservation of Nature, and the President of the International Tribunal for the Law of the Sea.

Speaking in explanation of vote before the vote on the omnibus resolution were the representatives of Singapore and Venezuela. Speaking in explanation of vote after the vote were the representatives Argentina, Turkey and Venezuela.

The General Assembly will reconvene at 10 a.m. on Monday, 7 December, for its joint debate on strengthening the coordination of humanitarian and disaster relief assistance of the United Nations.

Background

The General Assembly met today to for its joint debate on law of the sea.

For its discussion, the Assembly had before it the Secretary-General's report on oceans and the law of the sea (document A/64/66), which was prepared in compliance with paragraph 173 of resolution 63/111. As requested, the report is the first part of the comprehensive report and will serve as a basis for discussion at the tenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and Laws of the Sea. The report aims to help the discussion on the "Implementation of the outcomes of the Consultative Process, including a review of its achievements and shortcomings in the first nine meetings". It was issued on 13 March 2009.

The report provides information on the creation of the Consultative Process and an overview of its functioning, including a summary of the outcomes of its meetings; reviews how those outcomes have generally been incorporated in the relevant General Assembly resolutions and what subsequent major actions have been taken; and summarizes the views that have been expressed on the achievements and shortcomings of the Consultative Process at its meetings and in the contributions to the present report.

The full comprehensive report is contained in an addendum to the report on oceans and the law of the sea (A/64/66/Add.1). It notes that this year was marked by the fifteenth anniversary of the entry into force of the United Nations Convention on the Law of the Sea and the Organization's first observance of World Oceans Day, on 8 June. It should be read in conjunction with the first part of the Secretary-General's report on oceans and the law of the sea (A/64/66); and the Secretary-General's report on actions taken by States and regional fisheries management organizations and arrangements to give effect to paragraphs 83 to 90 of General Assembly resolution 61/105 on sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and related instruments (A/64/305).

It should also be read in conjunction with the Secretary-General's report to assist the third meeting of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (A/64/66/Add.2); the report on the work of the Consultative Process at its tenth meeting (A/64/131); and the report of the nineteenth Meeting of States Parties to the Convention (SPLOS/203).

The report provides an overview of developments in ocean affairs and the law of the sea. It draws particular attention to the threat posed by piracy to maritime security, lives of seafarers and safety of international shipping. It also underscores the adverse impacts of human activities -- such as overexploitation, illegal, unreported and unregulated fishing, and destructive fishing practices -- on the world's ocean and seas. To effectively implement the rule of law governing the oceans and seas and meet the fast-approaching targets established by the Johannesburg Plan of Implementation of the 2002 World Summit on Sustainable Development, concerted efforts were needed by the international community.

The second addendum to the Secretary-General's report on oceans and law (A/64/66/Add.2) was prepared to assist the meeting of the Ad Hoc Open-Ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction and contains information on activities undertaken by relevant organizations since the last report of the Secretary-General on the matter (A/62/66/Add.2), including those relating to its scientific, technical, economic, legal, environmental and socio-economic aspects. It also provides information on possible options and approaches to promote international cooperation and coordination, and identifies key issues and questions whose consideration by States would benefit from more detailed background studies.

The Assembly also had before it the report on the work of the Ad Hoc Working Group of the Whole to recommend a course of action to the General Assembly on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects (A/64/347), contained in a 10 September 2009 letter from the Co-Chairs of the Ad Hoc Working Group of the Whole addressed to the President of the General Assembly. It contains recommendations for the Assembly in the area of the framework for the regular process, a global mechanism for reviewing the state of the marine environment. The Ad Hoc Working Group met at Headquarters from 31 August to 4 September 2009 and this document was issued on 11 September 2009.

Also before the Assembly was the report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its tenth meeting (A/64/131), contained in a 10 July 2009 letter from the Co-Chairpersons of the Consultative Process addressed to the President of the General Assembly. The report covers the work of the Consultative Process at its tenth meeting, held at Headquarters from 17 to 19 June 2009, which focused on the implementation of the outcomes of the Consultative Process, including a review of its achievements and shortcomings in its first nine meetings. Among the issues that could benefit from attention in the future work of the Consultative Process were illegal, unreported and unregulated fishing; piracy and armed robbery; maritime safety and security; oceans and climate change and climate change as it related to security and survival, particularly for low-lying coastal areas and island nations.

Next, the Assembly had before it the report on the results of the assessment of assessments (A/64/88), contained in 11 May 2009 letters from the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Environment Programme (UNEP) to the Secretary-General. Part one contains the report of the fourth meeting of the Ad Hoc Steering Group of the assessment of assessments and two associated appendices. Part two contains the findings of the Group of Experts (pursuant to the United Nations General Assembly resolution 60/30). It offers options for the regular process in the areas of institutional arrangements and financing, and makes recommendations for the first cycle of the regular process (2010-2014).

The Assembly also had before it the Secretary-General's report on actions taken by States and

regional fisheries management organizations and arrangements to give effect to paragraphs 83 to 90 of General Assembly resolution 61/105 on sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and related instruments (A/64/305). It was prepared pursuant to General Assembly resolution 61/105 in which the Assembly requested States and regional fisheries management organizations and arrangements (RFMO/As) to sustainably manage fisheries, regulate bottom fisheries and protect vulnerable marine ecosystems (VMEs).

The report describes the most vulnerable marine ecosystems and impacts of bottom fishing on such ecosystems. It also outlines actions taken by States to adopt and implement measures to regulate bottom fisheries and protect ecosystems from destructive fishing practices. It notably discusses recent initiatives to establish new regional fisheries management organizations and arrangements in the northwest and south Pacific. It also discusses activities of the Food and Agriculture Organization of the United Nations to promote the regulation of bottom fisheries and protection of vulnerable marine ecosystems.

By a draft omnibus resolution on oceans and law of the sea (A/64/L.18 and Corr.1), the Assembly would express its deep concern at the adverse economic and environmental impacts of the destruction of marine habitats that might result from land-based activities, and reiterate its serious concern at the adverse effects of climate change on the marine environment.

The 34-page resolution covers more than a dozen sections: Implementation of the Convention and related agreements and instruments; Capacity-building; Meetings of States Parties; Peaceful settlement of disputes; The area; Effective functioning of the Authority and Tribunal; the continental shelf and the work of the Commission; Maritime safety and flag State implementation; Marine environment and marine resources; Marine biodiversity; Marine science; the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects; regional cooperation; open-ended informal consultative process on oceans and the law of the sea; coordination and cooperation; activities of the Division for Ocean Affairs and the Law of the Sea; and the sixty-fifth session of the General Assembly.

The Assembly also had before it a draft resolution on sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and related instruments (A/64/L.29), which, among other things, recognizes the urgent need for action to ensure the long-term sustainable use and management of fisheries resources through the wide application of the precautionary approach and ecosystem approaches. By the text, the Assembly would request the Secretary-General to bring the present resolution to the attention of all States, intergovernmental organizations and United Nations bodies, and request that he submit a report on the topic to the Assembly at its sixty-seventh session.

The 16-part text covers the following issues: achieving sustainable fisheries; implementation of the 1995 Agreement; related fisheries instruments; illegal, unreported and unregulated fishing; monitoring, control and surveillance and compliance and enforcement; fishing overcapacity; large-scale pelagic drift-net fishing; fisheries by-catch and discards; subregional and regional cooperation; responsible fisheries and the marine ecosystem; capacity-building; cooperation within the United Nations system; and the sixty-fifth session of the General Assembly.

Statements

Introducing the draft resolution A/64/L.29 on sustainable fisheries, LAURA ROSS (United States) noted the cooperative efforts that delegates had made to arrive at the resolutions. The United States was very pleased with this year's consultative policy. It had informed policy-makers about the use of ocean resources and the laws of the sea. This year's resolution addressed many critical issues, such as the

control of unregulated fishing and the reduction of fishing capacity. There were provisions to enhance the regulations of bottom fishing activities. The sustainable fisheries resolution articulated the urgent actions that States and regional fisheries management organizations needed to take. She urged additional cooperation on all these issues.

HILDING LUNDKVIST (Sweden), speaking on behalf of the European Union, said his delegation had shown its commitment to the United Nations Convention on the Law of the Sea and the 1995 Fish Stocks Agreement by actively participating in consultations that led to the draft resolutions before the General Assembly today. The Convention was an important instrument that promoted peace, stability and economic advancement, and thus, held special significance in a difficult international context. The Union attached importance to preserving the Convention's pre-eminent role as a legal framework for all ocean issues and called on all States to accede to it, as well as the Agreement on the Implementation of part 11 of the Convention. The Union also attached importance to the freedom of navigation, right of innocent passage and right of transit passage.

Reiterating his deep concern at continued piracy, he said the international community had committed to combating that scourge, notably through the efforts of the Contact Group on Piracy off the Coast of Somalia. The Union had repeatedly expressed concern at the loss of marine biodiversity and supported the Assembly's initiative to create an Ad Hoc Open-ended Working Group on that matter and welcomed that it would reconvene in early 2010. That Group was in a position to make important recommendations to the Assembly. On the draft omnibus resolution, the Union would have wished to highlight the state of the Arctic region as a priority area for research, and see a reference to the meeting of the United Nations Framework Convention on Climate Change Conference in Copenhagen, Denmark. The draft took into account various issues related to climate change, including acidification, fertilization and the discharge of carbon dioxide into the atmosphere. He urged taking an active role in combating climate change.

Recalling the 1999 creation of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, he said this year, the focus was on the implementation of the Consultative Processes outcome. A review of its achievements and shortcomings had made clear that the Process had served, and would continue to serve, its purpose. Regarding the Commission on the Limits of the Continental Shelf, he welcomed the decision of the Nineteenth Meeting of States Parties to the Convention to facilitate an informal working group to consider how to address the Commission's increased workload.

Turning to the resolution on sustainable fisheries, he said with 148 operative paragraphs, the document had become difficult to manage and the Union would favour shortening the text in coming years. Despite that, this year, a crucial part of the resolution focused on resolution 61/105 in relation to the impact of bottom fishing on vulnerable marine ecosystems. Resolution 61/105 represented "a real regime shift", which the European Union supported. His delegation would continue its work to develop protection of those habitats and establish regional fisheries management organizations or arrangements (RFMO/As) where they did not exist. He also welcomed the international commitment to ensure implementation of measures to manage deep-sea fisheries in the high seas.

The Union had long advocated the need for a binding agreement on port State control, based on the requirement for prior notification by the flag State to the port State to certify that fish carried by a vessel had been caught legally, under license and within quota, prior to the granting of port access. The Union would encourage States to consider signing and ratifying the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Regarding the possible impacts of climate change on fishery resources in the Arctic Ocean, the Union, in the context of the resolution on sustainable fisheries, would have wished to highlight the state of that region as a specific area where further scientific studies should be carried out.

Introducing the draft omnibus resolution on Oceans and the Law of the Sea (A/64/L.18/Corr.1), MARIA LUIZA RIBEIRO VIOTTI (Brazil) said it was one of the longest and most comprehensive resolutions adopted by the Assembly. The depth and scope of the issues showed "that the problems of

the ocean space were closely interrelated and needed to be considered as a whole”, as recognized in the Preamble of the United Nations Convention on the Law of the Seas.

The universal nature of the Convention set out the legal framework within which all activities in the oceans and seas had to be carried out. The goal of universal participation in the Convention was an important priority. She then described a number of the elements of the text, including capacity building, the Area, the continental shelf, maritime safety, the marine environment and marine science, the process for global reporting and the informal consultative process.

On capacity building, she said it was necessary for the sustainable development of the oceans and seas nationally, regionally and globally. This was underscored during the Informal Consultative Process on Oceans and Law of the Sea. Turning to maritime safety and security, she said international co-operation was necessary in combating, in accordance with international law, threats to maritime security and fighting transnational organized criminal activities. The draft resolution recognized the need for enhanced sharing of information among States. Regarding the continued increase in piracy and armed robbery incidents in the seas off the coast of Somalia, the text recognized the importance of a comprehensive and sustainable settlement of the situation in Somalia. It re-emphasized the need to help Somalia and other States strengthen the capacity to fight piracy and armed robbery. It invited States, the International Maritime Organization and the International Labour Organization to consider possible solutions for the seafarers and fisheries who were victims of pirates.

The draft resolution highlighted the work of the Intergovernmental Panel on Climate Change, including the findings on the acidification of the oceans. The resolution’s section on marine sciences stressed the importance of increasing scientific understanding of the connection between the oceans and the atmosphere. She said there was a need to strengthen and improve the efficiency of the Consultative Process and this was recognized during the review at the Tenth meeting of the Informal Consultative Process. Held in June, the review showed the need to devise a transparent, objective and inclusive process for the selection of topics and panellists, which would help the Assembly during its internal consultations concerning the annual resolution on oceans and the law of the seas.

JEAN-FRANCIS REGIS ZINSOU (Benin), speaking on behalf of the African Group, said the resolutions before the Assembly were the result of “painstaking” compromises by Member States. They covered questions related to the environment, marine resources, biodiversity, cooperation, dispute settlement and capacity-building. Those were areas in which it was easier to work, as there was an agreed regulatory framework and decent code of conduct. While he fully supported the principles set forth in those texts, he said they would not bring about sustainable exploitation that, in turn, would help States achieve their development goals, unless real efforts were made to involve all States, notably African coastal States, in their application.

Because African coastal States lacked logistical and technical resources, they watched “powerlessly” as their maritime zones were illegally exploited, he explained. Fishing boats and trollers belonging to big corporations were fleeing the coasts of those States that controlled their coastlines, descending “merrily” on the African coastline and overexploiting maritime resources. Such behaviour was wiping out international efforts to protect endangered species. The global community must pay more attention to illegal, unreported and unregulated fishing. Without action, the structures set up under the Convention on the Law of the Sea might well succumb to the “law of the jungle”. Coastal developing States also needed help in building capacity at regional and subregional levels to control their territorial waters. States and international bodies must cooperate to build that capacity in the areas of marine sciences, monitoring and assessment of the marine environment, notably by holding workshops and training sessions.

He called on States and international organizations to ensure that African countries could attend meetings that dealt with oceans and the Law of the Sea, notably by making contributions to the Trust Fund established to help developing countries, small island developing States and landlocked developing countries. He urged the international community to pay greater attention to illegal, undeclared and

unregulated fishing with a view to making all practices conform to international law. He also encouraged more cooperation between the Food and Agriculture Organization and regional fisheries organizations to combat undeclared and unregulated fishing. The African Group was concerned at the workload of the Commission on the Limits of the Continental Shelf, which posed real challenges in terms of scheduling meetings for coastal States. Several developing States would not be able to meet deadlines set in the Convention for the delimitation of the Continental Shelf beyond the 200 nautical mile limit. He thus encouraged delegations to seek realistic solutions.

Speaking on behalf of Caribbean Community (CARICOM), RAYMOND O. WOLFE (Jamaica) said the cardinal principles of the Convention were as relevant today as they were when adopted 27 years ago. As small and vulnerable island developing States, CARICOM was highly dependent on the Caribbean Sea for its commercial activities and economic livelihoods. Maritime transport was vital to the world economy, as more than 80 per cent of international trade volume was carried by sea. CARICOM Member States were firmly committed to the protection and preservation of the Caribbean Sea, with the support of the international community and with a view to achieving sustainable development.

CARICOM welcomed the renewed emphasis on efforts to heighten global awareness of the challenges faced by the international community in sustainable ocean management and the future prospects and challenges in implementing the regime created by the Convention to protect and preserve the marine environment. It regarded marine scientific research as essential to efforts to confront the challenges to the marine environment and welcomed the revision of the Guide on marine scientific research, prepared by the Division of Ocean Affairs and the Law of the Sea.

Turning to maritime safety and security, CARICOM repeated its position that safe, secure and crime-free routes for navigation and the implementation of international rules and standards to improve marine safety and security had to underpin a comprehensive programme aimed at protecting maritime trade and threats to maritime security. CARICOM had agreed to collaborate in relevant international fora to share information and work together on the issue of piracy. CARICOM Member States that were IMO members would draft domestic legislation to tackle the problem and forward drafts to the International Maritime Organization's (IMO) legal committee, he said.

On the issue of transportation, CARICOM was concerned about the security threats posed by illicit traffic in narcotic drugs and psychotropic substances at sea, coupled with the illicit trade in small arms and light weapons. Another perennial concern was the danger posed by the transportation of radioactive materials through the Caribbean Sea.

Turning to some other issues, he re-emphasized CARICOM's support for the works of the Commission on the Limits of the Continental Shelf. He pointed out that the workload of Commission had increased as of 12 May 2009 due to 51 submissions lodged by coastal States. And such States needed to provide more resources to the Commission, including to the Division for Ocean Affairs, which serves as its Secretariat, at the critical period if it has to discharge its mandate.

He added that CARICOM was pleased at the considerable progress made by the International Seabed Authority towards finalization of the draft on prospecting and exploration for polymetallic sulphides in the area. He hoped those could be concluded at the upcoming sessions in April and May 2010. He wished to emphasize the importance of the urgent need for improved attendance at the meetings of the Authority at a time when legal codes were being finalized.

Speaking on behalf of the Pacific Small Island Developing States, MARLENE MOSES (Nauru) said that international ocean governance was of critical concern to the countries he spoke for, as the ocean was an integral part of their cultural identity and a major source of food. A negative impact on the health of marine ecosystems threatened those people's ability to meet their nutritional needs. The Pacific regional waters composed 10 per cent of the Earth's surface and much of this fell within the national jurisdiction of these States. The Pacific Ocean was also home to fish stocks of global importance.

The world's oceans were under threat and the human impact on the health of marine biodiversity was profound, as fish stocks continued to fall and scientists warned that global fisheries were in crisis. Illegal, unreported and unregulated fishing was one of the gravest threats to sustainability of regional marine resources and the rate of such fishing in the Pacific was higher than other regions, accounting for about 36 per cent of the total catch, she said. Bottom trawling was gravely endangering vulnerable ecosystems. The States welcomed the review of the implementation of resolution 61/105 that took place in September, particularly on the issue of bottom trawling. She said this year's resolution was a step in the right direction towards better conservation and management of deep sea fish stocks, habitats and ecosystems.

She repeated the call on States negotiating the creation of a new regional fisheries management organizations for the North Pacific to speed up their talks and ensure there was no gap between the areas covered by the South Pacific regional fisheries management organizations and the measures implemented for the North Pacific. She also repeated the call for a prohibition on destructive fishing practices, including bottom trawling, where there was no under regional fisheries management organizations negotiations or interim measures in effect, until appropriate conservation and management measures were in place.

Climate change was having a severe impact on oceans, a serious issue that received too little practical attention from the international community. The ocean had absorbed more than 50 per cent of all anthropogenic carbon emissions over the last 200 years. Yet, the high level of CO₂ absorbed by oceans was having a severe negative impact on the health and functioning of marine ecosystems, causing acidification and impacting the growth and viability of many marine organisms. She repeated the call for the climate change talks in Copenhagen to wrap up an agreement with emission targets that limited atmospheric CO₂ concentration at 350 parts per million and kept global temperature rise well below 1.5 degrees Celsius.

NAMIRA NABIL NEGM (Egypt), aligning himself with the statement made on behalf of the African Group, stressed the importance of following the new guidelines to prevent any monopoly in the exploitation of minerals in the Area, since they were a common heritage of humanity. The growing impact of climate change on marine ecosystems and on marine transport should also be taken into account in the negotiations at the Climate Change Convention in Copenhagen. Egypt supported international efforts to combat the rising incidences of piracy and armed robbery at sea, especially in the East African region. It welcomed the recognition in the draft resolution on Oceans and the Law of the Sea of the importance of reaching a lasting and comprehensive solution in Somalia, which was closely linked to the spread of piracy in that region. It further emphasized the need to implement the Djibouti Code of Conduct to Combat Piracy and urged everyone to work to improve conditions for sailors and fishermen who were victims of piracy.

He said developing countries should be provided the support necessary to ensure their greater participation in collecting and exchanging data related to marine science. The problem of the increasing workload of the Commission on the Continental Shelf should be solved, so that it could consider submissions by developing countries on an equal footing with those of developed countries made in the past. Egypt welcomed the results of the tenth session of the informal consultative process on Oceans and the Law of the Sea, which emphasized strengthening sustainable development. More effort should also be exerted to protect endangered fish species, to fight illegal unregistered and unreported fishing and to prevent fishing practices that destroyed the seabed.

In that regard, he noted the inadequacy of measures taken to ensure the sustainable use of marine resources and looked forward to the enhanced cooperation of States with the Food and Agriculture Organization and regional fisheries management organizations to reach a system for managing seabed fishing in ways that preserved marine ecosystems. Egypt further proposed that the review conference of the 1995 Agreement on sustainable fisheries address current problems in the Agreement, which were preventing its further ratification.

ISABELLE PICCO (Monaco) said that in 2007, almost 28 per cent of fish stocks were “over-exhausted” or required reconstitution. Migratory species, like whales, were vulnerable to chemical pollution and ingestion of marine waste. Marine ecosystems were important carbon sinks that were experiencing devastating impacts and disappearing. The acidification of oceans due to climate change threatened millions around the world, with potentially devastating economic and social impacts. Marine diversity was insufficiently well known, demonstrated by the fact that millions of species were discovered each year. Research confirmed the importance of marine biodiversity in preserving the world’s ecosystems. Healthy oceans ensured food security and contributed to sustainable development.

In the run-up to the United Nations Climate Change Conference in Copenhagen, it was deplorable that no reference had been made to that Conference in the omnibus resolution, she said. In addition to adapting to climate change, it was important to boost the resilience of marine ecosystems. Indeed, there was a collective duty to preserve and manage living marine resources. In that context, she said the personal commitment of Prince Albert II was seen in his support of action to preserve coral reefs, where 30 per cent of marine diversity was found.

In January, Monaco would host a conference on the international coral reef initiative. Describing the red tuna as one of the most exploited species, she appealed to all States to fully shoulder their responsibilities, otherwise that fish would disappear. Also, illegal, unreported and unregulated fishing meant there must be control of international trade. Monaco was disturbed at large-scale drift-net fishing on the high seas, though that practice had been banned for years, and the impacts of bottom fishing on marine ecosystems. The Open-ended Working Group on Marine Biodiversity in areas Beyond National Jurisdictions should do more to assess the impacts on the environment. Ahead of the deadline set for the ecosystem approach, it was crucial to set up networks of protected marine zones and strengthen intergovernmental processes.

MORTEN WETLAND (Norway) expressed the hope that the United Nations Climate Change Conference in Copenhagen, towards which the international community’s attention would be directed next week, would have the necessary momentum and that the parties would show the necessary political will and flexibility to achieve concrete results, noting that the effects and impact of climate change were evident and needed to be addressed urgently.

Saying that the consequences of climate change were especially visible and measurable in the Arctic, he stressed that if the ice-melting continued, and the polar ice cap continued to diminish, new opportunities to exploit previously inaccessible resources and new shipping routes would emerge. The world would thus be faced with the challenge of balancing the protection of the Arctic environment with the orderly and sustainable use of its resources. In that regard, the five Arctic Ocean coastal states -- Canada, Denmark, the Russia Federation, the United States and Norway -- had a special responsibility.

Continuing, he said that illegal, unreported and unregulated fishing seriously undermined efforts to conserve and manage fish stocks in a sustainable manner. That was particularly harmful for developing countries, and such fishing also had severe negative effects on food security and environmental protection all over the world. He said an important milestone in the global fight against such fishing reached last August, when, in the framework of Food and Agriculture Organization (FAO), the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing was reached. The agreement was an important instrument for better global port state control, and he encouraged all states to become parties to the agreement as soon as possible.

Further, the establishment of the outer limits of the continental shelf beyond the 200 nautical miles was a central element in the implementation of the law of the sea regime. The delineation process clarified the legal framework for future shelf activities. Such clarity also entailed significant positive development implications. Norway had submitted documentation in 2006 and received recommendations from the Commission on the Limits of the Continental Shelf this year. His country had been impressed by the Commission’s work and he commended them for their efforts.

On the problem of piracy and armed robbery off the coast of Somalia and in the Gulf of Aden, he observed that the scourge continued to threaten the people of Somalia, the whole region and a series of protective interests. Those interests included innocent lives, humanitarian supplies and international commerce and navigation. One thousand Norwegian owned ships passed through the Gulf of Aden every year. Therefore, Norway was directly affected and was acting accordingly. In that regard, he welcomed the broad range of actions taken by the international community to fight piracy and armed robbery at sea outside Somalia. He added that the international cooperation to ensure security for international shipping off the coast of Somalia should continue, as should the cooperation to improve the situation on land in Somalia in order to address the root causes of the problem.

NGUYEN DUY CHIEN (Viet Nam) said the June meeting of States Parties to the Law of the Sea Convention had made important decisions about allocating seats on the Continental Shelf Commission and the International Tribunal. Those decisions must be strictly adhered to in future elections to those bodies. Further, he said great progress had been made through the tenth review of the Open-Ended Informal Consultative Process. As the Group of 77 and China had pointed out, the way forward was to adhere to the Convention and take into account agreements reached at the Conference on Environment and Development. Proceeding from that, he supported the two draft resolutions currently before the Assembly.

Further, he said that, as a developing country on the South China Sea -- known to his country's people as the Eastern Sea -- the promotion of legitimate and sustainable maritime practices was greatly important. Maintaining peace and stability in the area made a valuable contribution to the peace and security of the world. All States must work closely to reach mutual understandings. The conclusion of the Association of South-East Asian Nations (ASEAN) Declaration of Conduct in the South China Sea was a significant step on that direction. Implementing the Declaration and elaborating a Code of Conduct would provide a more conducive environment for peace, stability and economic development.

MOHAMMAD A. AL ATEEQI (Kuwait) welcomed the increase in the number of state parties to the 1982 United Nations Convention on the Law of the Sea, which had reached 156 this year, as proof of the importance of that Convention on the global, as well as on the regional levels. To that end, he called on those states that had not joined the Convention to do so now, in order to attain universality in achieving the Millennium Development Goals, as well as to foster international peace and security.

He said the acts of piracy and armed robbery against ships continued to pose a threat to trade and commercial shipping, besides risking the lives of sailors who worked aboard those ships. Therefore, Kuwait condemned all such acts of piracy, hijackings of ships and terrorism on the high seas, particularly those that took place in the Gulf of Aden and off the Somalia coast. To counter those acts, the international community needed to unite all its efforts, through the effective implementation of international law, the Law of the Sea, and all the other instruments in confronting the pirates and the prosecution of criminals.

He stressed the necessity of respecting international law and relevant international conventions, as well as guaranteeing their effective implementation, especially those concerning marine safety and security, by having the flag states fulfil their duties during innocent or transient passage, as well as taking all the measures to guarantee the rights of each State. It was his view that international efforts needed to be intensified to guarantee an understanding of the effects of climate change on the marine environment and biodiversity, as well as find the appropriate means and ways for adaptation of the developing countries and the transfer of technology to those countries, in order to preserve the marine environment and achieve sustainable development for the oceans and the sea.

He concluded by urging all Member States to extend more good offices that aimed to improve the lives of peoples, while preserving the marine environment resources and exemplary use of those resources, which he observed could be done by adhering to the provisions of the international conventions and rules.

RACHMAT BUDIMAN (Indonesia) said his country was working with other littoral states to combat armed robbery and piracy in the Straits of Malacca and Singapore and was pleased that these concerted measures had significantly decreased the incidents in the region. He noted the numerous Security Council resolutions addressing piracy and armed robbery off the coast of Somalia and said they should not be considered as creating customary international law. Indonesia attached great importance to the work of the Commission on the Limits of the Continental Shelf and appreciated its consideration of Indonesia's submission regarding the area of Northwest of Sumatra.

Regarding fisheries, Indonesia believed that the United Nations Fish Stocks Agreement was very important and, on 28 September 2009, it had ratified the Agreement for the Implementation of the Provisions of the 1982 Convention, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Indonesia was very concerned about the illegal, unreported and unregulated fishing activities that threatened the sustainability of fish stock resources. It undermined conservation and enforcement efforts and distorted trade and prices in export markets. For that reason, Indonesia welcomed the Food and Agricultural Organization's adoption on 22 November 2009 of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

Turning to oceans and climate change, Indonesia supported the insertion of an operative paragraph concerning "Climate Change and the Oceans" in the resolution on Oceans and the Law of the Sea. He supported the "Manado Ocean Declaration", which was adopted in Manado, Indonesia in May this year and emphasized the need for the international community to work together to improve understanding of the oceans' role on climate change and vice versa, and its effects on marine ecosystems, marine biodiversity and coastal communities.

DIRE TLADI ([South Africa](#)) welcomed the addition of Chad, the Dominican Republic and Switzerland as States Parties to the Convention on the Law of the Sea to bring the number of States parties to 160. He hoped that in the near future all United Nations Member States would accede to the Convention, and give a universal quality to the "constitution of the oceans." He hoped States would also join the two implementing agreements of the Convention, sooner rather than later.

He was pleased to once again co-sponsor the resolution on oceans and the law of the sea and welcomed the deliberations on the fisheries resolution. It was in 2006 that the Assembly adopted resolution 61/105, which contained provisions on bottom fishing and called for implementation of measures to protect vulnerable marine ecosystems. He said that while some progress had been made, more could have been done in the area of protecting vulnerable ecosystems from damage due to bottom fishing in ways inconsistent with resolution 61/105 on sustainable fisheries and migratory stocks. He was optimistic that the new approach this year would hopefully cultivate more sustainable practices and would lead to sterner regulations and wider implementation by the next review in 2011.

He attached particular importance to Part XI of the Convention and continued to push for early implementation of the common heritage of mankind principle. The apparent inability of the International Seabed Authority Council to finalize the Regulation on Polymetallic Sulphides was of concern, although it was encouraging that only a few contentious issues remained, such as overlapping claims and the anti-monopoly clause. Delegations should do their utmost to reach consensus on those issues at the next meeting of the Authority, based on the guidance in Annex III of the Convention relating to basic conditions prospecting, exploration and exploitation.

Also of concern, he said, was the difficulty of establishing the outer limits of the continental shelf, as provided for in the Convention. His country had lodged its submission in May, but it would not be considered until 2019 due to the Commission's workload. That was "most unsatisfactory," he said. States must consider innovative ways to facilitate the funding of longer and/or more frequent Commission sessions.

He said it was gratifying that the Informal Consultative Process had received wide support during

the review of it in spring and that capacity building would be taken into consideration at the next session. Also, the February 2010 meeting of the Ad Hoc Working Group on conservation and sustainable use of biological diversity in areas beyond national jurisdiction should take up the question of how to better protect the marine environment by improving governance. The legal regime debate on common heritage should also take into account the question of marine genetic resources. To move forward on that matter, the discussion should take into consideration that the Convention clearly calls for protection of an area and its resources, not just some resources. That was the essence of the principle of common heritage. As preparation for the meeting proceeded, delegations must remember that what was at stake was not just narrow commercial interests, but the health of the marine environment and ensuring equitable access for all

WANJUKI MUCHEMI, Solicitor-General of Kenya, aligning himself with the African Group, said his country was among many coastal States which delivered submissions on the continental shelf beyond 200 nautical miles to the Commission on Limits of the Continental Shelf within the 13 May 2009 deadline.

That was followed by an oral presentation made on 3 September. As such, he noted with concern at the early stages of preparing its submission, the Commission's anticipated heavy workload. Fifty one submissions had been received, with others expected. The Commission's huge workload presented an unprecedented burden.

During the Nineteenth Meeting of States parties to the Convention, the Commission's Chair presented a timetable for possible consideration of submissions, he said. That resulted in a "considerable" time lapse between preparation and consideration of submissions, which was unacceptable to Kenya. The problem was compounded by difficulties in retaining expertise. He welcomed recommendations in paragraphs 52 and 53 of the omnibus resolution encouraging States to participate in the Informal Working Group to find ways of resolving that matter. Kenya was ready to support proposals aimed at speeding the Commission's work.

Piracy and armed robbery against ships off the coast of Somalia was of grave concern to Kenya, as such activities had affected trade in the entire subregion. They also had led to artificial food shortages, which posed a serious security risk. More had to be done. Apprehended pirates were mainly prosecuted in Kenyan courts, which placed a heavy financial and security burden on the country, and he called on other States to participate in that endeavour. Capacity-building was also regarded with much interest by his Government, as a lack of both capacity and technical knowhow had prevented developing countries from exploiting marine resources found within their jurisdictions. It was vital to boost cooperation and facilitate technology transfer and he urged States with the ability to do so to enhance funding, training and other related activities.

BASILIO A. GUTIERREZ GARCÍA (Cuba) emphasized the need to boost international cooperation in managing the seas and oceans, including the exchange of know-how and in the area of capacity building. As an island, issues relating to the seas and oceans were of great importance for his country, which had made every effort to implement strategies for sustainable development and protection of the marine environment, with a view to achieving effective implementation of the Convention. Indeed, the Convention had established a suitable legal framework within which all activities on oceans and seas must be carried out. He voiced concern at policies that undermined the Convention, like the current management of new sustainable uses of oceans, which included management of marine biological diversity beyond areas of national jurisdiction. In that respect, States must abide by the Convention principle which provided that research in the Area be carried out exclusively for peaceful purposes.

He welcomed the work of the Ad Hoc Working Group of the Whole to recommend a course of action for the Assembly on the regular process for global reporting, and especially noted the recommendations annexed to its report. That process must be undertaken with due respect for the principles enshrined in those recommendations. As for matters on crime at sea, they must be addressed on a case-by-case basis and with holistic solutions under international law. Cuba had solid national legislation to fight such crime, particularly the illicit trafficking of narcotic drugs and psychotropic substances and piracy. Intense work also had been undertaken to strengthen bilateral and regional cooperation. In that context, he emphasized the importance of preserving the Convention's integrity and

implementing its provisions, including the respect for the right of passage and obligation of States bordering straits to adopt laws on transit passage.

Further, he said climate change posed the greatest challenge to oceans and seas and the interconnection of oceanic systems left no choice other than for States to cooperate in the protection of the global marine environment. Developed countries had the duty to provide assistance to developing nations upon their request. While not party to the 1995 Fish Stock Agreement over its concern at the mechanism of visits and inspection of fishing vessels, Cuba complied with the major provisions on conservation and management. In closing, he underscored the need for full conference and translation services during the negotiation of draft resolutions, which would contribute to their quality and ensure that all States' interests were clearly reflected.

PALITHA KOHONA (Sri Lanka) said "fish do not recognize national jurisdictions." As a nation surrounded by the sea and substantially dependent upon the ocean, Sri Lanka believed more strategies should be developed to better control fisheries beyond national jurisdictions. The Indian Ocean Tuna Commission, for example, should be part of a regional fisheries management organization or some other entity with wider powers and the capacity to regulate all high seas fisheries and stock-conservation schemes in the vast expanse of all the oceans. Furthermore, since oceans were indivisible ecosystems where national boundaries were products of political expediency, the needs of developing States for assistance should be assessed in the context of the whole ecosystem of oceans, as called for in the resolution before the Assembly.

Further, he said some solution needed to be devised by the meeting of the States Parties in 2010 to address the issues of the workload of the Commission on the Limits of Continental Shelf. His country had made its submission by the deadline date in May at great expense, and by using outside technical expertise. Yet, it was estimated that some claims already lodged would not be examined until 2040. The adverse effects of climate change must also be addressed with a sense of urgency. Research must be enhanced, including on ocean activity levels and their effects on vulnerable ecosystems, such as coral reefs. Challenges must be identified and mitigating strategies developed to overcome them.

The matter of piracy must also be addressed, he said. In addition to the activity being a threat to maritime security, it turned large consignments of sophisticated equipment and lethal cargo into a source of logistical support to terrorist groups. In recent years, Sri Lanka experienced the most unprecedented and dangerous form of maritime terrorism and its Navy confronted virtual floating warehouses of arms and ammunition. At the global level, existing laws pertaining to the boarding and search of vessels in the high seas must be revised and a comprehensive legal framework must be developed to address all aspects of safety and security in maritime navigation.

GAN TENG KIAT (Singapore) said the Straits of Malacca and Singapore were one of the busiest international waterways and linked the Indian Ocean to the South China Sea. More than 900 ships used the Strait of Singapore every day and more than 80 per cent of these ships arrived and departed from the port of Singapore. Maritime trade and freedom were critically important to Singapore and it viewed the Convention as the principal international legal instrument to deal with all issues relating to maritime rights and obligations. All States parties had a shared interest in maintaining the document's integrity.

He urged the international community to maintain the balance that the drafters of the Convention achieved between the claims of coastal states, for more rights over the adjacent seas, with user states' historic rights over those seas. This balance benefited both coastal states and user states, as the world economy became more open and interconnected. He believed these two groups could work hand-in-hand to ensure their common interests, such as navigation safety and environmental protection in the Convention's framework.

He said the Co-operative Mechanism on Safety of Navigation and Environmental Protection in the Straits of Malacca and Singapore in September 2007 was a landmark achievement and had made good progress in all its three pillars. These were the Co-operation Forum, the six Straits projects under the

Project Co-ordination Committee, and the Aids to Navigation Fund. He was encouraged by the increased number of countries and other stakeholders contributing to the mechanism. With an initial contribution of \$1 million from Greece and an additional \$100,000 from China, the Fund was another step to promote global co-operation in this international waterway.

Turning to the larger Asian region, Singapore was pleased by the close co-operation between littoral, coastal and user states to combat piracy. The Regional Agreement on Combating Piracy and Armed Robbers against Ships in Asia (ReCAAP), which came into force in 2006, was the first government-to-government agreement to address the incidents of piracy and armed robbery in the Asian region. In November 2009, the ReCAAP Sharing Centre had organized, in conjunction with the International Maritime Organization (IMO), a familiarisation programme for Djibouti Code countries and helped these same countries participate in a ReCAAP capacity-building workshop. He said he was confident that ReCAAP would continue to play an important role in promoting maritime safety and security in the region.

As a maritime nation, Singapore was strongly committed to supporting the international counter-piracy efforts in the Gulf of Aden and off the coast of Somalia. It was a complex problem that was beyond the scope of any single country to resolve and required an international response, such as ships from various nations learning to self-organise into naval patrols and communicating with one another.

DIEGO LIMERES (Argentina) said the Convention was an instrument that carried strategic and economic implications and its provisions balanced both the rights and duties of States negotiated over several years. Since its 1982 adoption, the Convention had achieved a universal character and he welcomed its ratification by Chad, Dominican Republic and Switzerland. The conservation of marine biological diversity beyond areas of national jurisdiction was a new issue. The second meeting of the Ad Hoc Working Group would take place and he was concerned at various proposals that could overburden that Working Group. The legal regime question was still outstanding and should be addressed in the context of the mandated Working Group. In that work, Argentina expected States to take into account an objective of the Convention, by which the area of the seabed, and its resources, were the "common heritage of mankind", the exploitation of which must benefit mankind at a whole.

At the nineteenth meeting of States Parties, Argentina maintained that the States Parties to the Law of the Sea was the competent forum for interpreting the Convention, he said. Special consideration should be given to the outer limit of the Continental Shelf beyond 200 nautical miles. At the Commission's twenty-fourth session, Argentina made its oral presentation. The Commission's workload was a matter of utmost importance. The timeline scenario was frustrating for coastal States, as they would need to wait a long time before receiving the Commission's recommendations. Parties to the Convention had to address the Commission's workload. Further, the Commission referred to the drawing up of the limit, not to the rights of coastal States. As for the regular process for global reporting, Argentina had participated in the Ad Hoc Working Group that considered the assessment of assessments. All those recommendations were relevant and should be followed by the General Assembly. In addition, the legal framework of the process was the Convention.

Regarding the informal consultative process, he said Argentina supported the Consultative Processes' review and during discussions at the tenth meeting, States considered that the Consultative Process should be a forum for an exchange of views; it was not for interpreting the Law of the Sea. That should be taken into account at the Assembly's sixty-fifth session. Also, a development perspective had to be integrated into consideration of those issues. On the sustainable fisheries resolution, he said last year Argentina pointed out that the sedentary resources of the Shelf were subject to coastal State rights. Management of such resources were under the powers of such States. Argentina was taking the necessary steps to adopt measures for conserving such resources and encouraged other coastal States to do the same. His Government had proposed operative paragraph 104 of resolution 63/112, with a view to preventing any interpretation that ignored the exclusiveness of coastal States to such management.

In the Secretary-General's report A/64/305, the section on actions taken by States and regional

fisheries management organizations showed there could be confusion over measures to be adopted vis-à-vis fishing on the high seas, he said. Argentina had reservations about statements in paragraphs 178-181 of the report and expected future contributions would include all the information needed. Concerning paragraph 115 of the sustainable fisheries resolution, he pointed out that nothing in resolution 61/105 and the present resolution prejudiced the sovereign rights of coastal States over their continental shelf. Paragraph 123, when encouraging States and regional fisheries management organizations to strengthen data collection standards, among other things, recalled that such activities must comply with the resolution. Marine scientific research should be conducted with permission from coastal States.

NORACHIT SINHASENI (Thailand) said he shared the international community's growing concern over the threat created by illegal, unreported and unregulated fishing. He respected coastal States right to enact laws and regulations that exercised their sovereign rights to exploit and manage living resources in the exclusive economic zone. But, these measures had to comply with the provisions of Article 73 of the Convention on the Law of the Sea.

Thailand gave great importance to the well-established rules of customary international law as recognized and codified by the Convention, namely the right of innocent passage in territorial areas, the right of transit passage in straits used for international navigation and the freedom of navigation in the exclusive economic zone another State.

Regarding maritime safety and security, Thailand had always supported global efforts against piracy and armed robbery at the regional and international levels. Thailand was concerned about the growing number of fishing vessels that had been hijacked and special attention needed to be paid to fishermen's safety and security, he said. He commended the International Maritime Organization's (IMO) work in fighting piracy by adopting several documents that provided guidance to individuals and sectors.

NORIIHIRO OKUDA (Japan) noted he was a co-sponsor of the draft on Oceans and the Law of the Sea and said as an island country with few natural resources, marine living resources and other natural resources located in the continental shelf were crucial economically.

Continuing, he said acts of piracy off the coast of Somalia and in the Gulf of Aden posed a serious threat and a multifaceted approach to the phenomenon included assistance for maritime enforcement capacity building, as well as other medium-to-long-term measures beyond naval vessel operations. His country had dispatched two destroyers and two P-3C patrol aircraft to the region. It had enacted domestic legislation against piracy, as stipulated by the Convention. It had contributed \$13.6 million to the Djibouti Code Trust Fund, a multi-donor fund initiated by Japan to assist in maritime enforcement capacity development. Regional centres for information sharing about the Djibouti Code of Conduct would be launched in Kenya, Tanzania and Yemen with resources from the Fund. A training centre would be established in Djibouti.

He said he was a State Party to the Convention and would work within an Informal Working Group process to find practical solutions to the Continental Shelf Commission's workload. He would also continue to actively participate in the work of the Ad Hoc Open-ended Informal Working Group on conservation and sustainable use of marine biodiversity, noting that the issue was more important than ever and 2010 had been designated as the International Year of Biodiversity. Illicit fishing practices must also be addressed on an urgent basis, including by implementing the FAO Agreement on Port State Measures toward that end. The Review Conference on the 1995 Fish Stocks Agreement would be held in May. Strengthening the effectiveness of the Agreement would be one concern. Japan would continue consultations with States and regions toward establishment of an international mechanism for management of high seas fisheries in the North Pacific Ocean.

LOYOLA SULLIVAN (Canada) said he believed that individual states and regional fisheries management organizations played a critical role in implementing the United Nations Convention on the Law of the Sea and the United Nations Fish Stocks Agreement, and was pleased that States individually, and within regional organizations, had taken up the challenge to implement modern fisheries management

principles. Canada would continue to encourage the use of the best scientific information available in their decision making, as regional fisheries management organizations continued to reform and improve.

Canada was further encouraged by the actions agreed to at the second joint meeting of tuna regional fisheries management organizations for improving their management, and wanted to continue its efforts to strengthen their coordination and cooperation. Pointing out that his country had been disappointed that scientific advice was not followed by the International Commission for the Conservation of Atlantic Tuna (ICCAT) members and that overstocking continued, he said Canada would continue to press for sustainable management of tuna and tuna-like species within ICCAT and other regional fisheries management organizations, and wanted to ensure those organizations continued moving in that positive direction.

On the oceans and law of the sea, he observed that around the world scientists were making great strides to help understand the ocean environment. Sound science should underpin all decision-making, ranging from fisheries decisions to oceans management, he said. Such science-based decision-making, would not only enhance understanding of complex ocean processes, but would also allow Member States to build a better picture of the state of the oceans. Turning to the law of the sea, he noted the current efforts of the coastal states, including Canada, to delineate their continental shelves. Canada was concerned that the demands now placed on the Commission on the Limits of the Continental Shelf would result in lengthy delays between the filing of a submission and its consideration by the Commission. Canada also shared the concern of other States parties that something needed to be done to ensure that the Commission could continue to perform its work effectively.

With respect to piracy, Canada had demonstrated its commitment to international efforts to combat piracy off the coast of eastern Africa by sending Canadian warships to the region three times to participate in counter-piracy missions and to escort ships carrying humanitarian assistance to Somalia, he said. Canada viewed the Contact Group on Piracy off the Coast of Somalia as the primary mechanism for the coordination of counter-piracy activities, and in that respect urged caution not to propose projects or initiatives that would duplicate work already being conducted at the Contact Group, or in other forums. In that regard, Canada was strongly supportive of international efforts to find long-lasting solutions to that issue, he stated.

Concluding, he pointed out that, on the world stage, his country was demonstrating leadership on ocean conservation, protection and sustainability domestically and internationally. While Canada was influencing international priorities, decisions and processes, he however acknowledged that no State could work in isolation when it came to the oceans. He said he was encouraged by recent progress made to improve fisheries and oceans governance and called on Member States to build on that momentum and focus on the challenges ahead and treat it as their global responsibility.

LIU ZHENMIN ([China](#)) said it had consistently been his country's view that the division of the rights and interests in ocean areas within and beyond national jurisdiction should be carried out in a reasonable and scientific manner. States should be able to fully exercise their sovereign rights and jurisdiction over the continental shelves that were natural prolongations of their land territories and to prevent encroachment of the international seabed area. Consideration by the Commission on the Limits of the Continental Shelf of submissions under that Convention's Article 76 and Annex II should not prejudice States' application of other parts of that instrument, as is confirmed in the draft resolution. Attention should be given to the difficulties posed by complex legal issues and the Commission's work to solve those issues.

He noted the International Seabed Authority's progress in formulating regulations on prospecting and exploring for polymetallic sulphides and cobalt-rich crust, which would help in building the order for development and utilization of new resources, in promoting effective management, ensuring that all countries could share those resources. China hoped the regulation on polymetallic sulphides could be adopted at the Authority's sixteenth session. It continued to support the International Tribunal for the Law of the Sea. It was also committed to strengthening conservation and management measures and believed

the aim of international fisheries management should be regulating fishing activities toward rational and sustainable use of such resources, as well as their equitable distribution among all countries and the maintenance of the marine ecological balance.

He went on to say that the Chinese Government paid great attention to greenhouse gas emissions from ships and had taken note of the work of the International Maritime Organization in that regard. The key point in addressing the issue lay in upholding the principle of “common but differentiated responsibilities.” The emphasis should be on increasing the energy efficiency of ships through advanced technology. Also, in combating piracy, greater attention should be paid to building the capacity of coastal States to eliminate the economic social and other problems that give rise to piracy. He called on the international community to make a common effort toward sustainable ocean development.

GENNADY KUZMIN (Russian Federation) underscored preserving the integrity of and implementing the Convention on the Law of the Sea. State activities should be carried out in strict compliance with its norms, including the right of peaceful archipelagic passage and fishing in the high seas. He called on States that had not yet done so to consider becoming parties to the Convention. His delegation positively viewed the work of the International Tribunal of the Law of the Sea and Commission on the Limits of the Continental Shelf. In that context, he emphasized coastal State compliance with article 76 of the Convention and other norms when making submissions to that Commission. For its part, the Commission should strive for full, non-discriminatory compliance with the Convention. It was not given the authority to solve complex legal issues and that problem required a solution. The Russian Federation’s had proposed that the Commission submit a list of legal issues to States.

Another challenge was an increase in the Commission’s workload, he said, adding that measures to address that should not require changes to the Convention. He called for more active cooperation between the Commission and States. Also, his delegation attributed to the General Assembly a central role in discussing ocean affairs in the United Nations. A clear example of the Assembly’s work in that area was its discussion of piracy. The United Nations’ role in that area should be strengthened. The Tenth session of the Informal Consultative Process reaffirmed the forum’s contribution to an understanding of the world’s oceans. The Consultative Process was useful, including in relation to sustainable development.

Regarding marine biological diversity beyond areas of national jurisdiction, he noted that such issues applied to solid, liquid and gas resources in the Area, on the seabed or within its subsoil, he said. That regime did not apply to living resources. It would be superfluous for the International Seabed Authority to carry out functions to protect those resources. As for fishing on the high seas, mechanisms should be established by regional fisheries management organizations on the basis of scientific data, including retrospective marine studies. His country had taken an active part in developing measures to protect marine ecosystems and he noted the International Council for the Exploration of the Seas (ICES) in that context.

He said his Government supported measures to combat illegal, unreported and unregulated fishing, saying they should be adopted on a State legal basis, and they should not be protectionist. He called on States to consider acceding to the 1995 agreement relating to the conservation of straddling fish stocks. Finally, he said the Russian Federation was concerned at the steady extension of the scope of resolutions on ocean affairs and Law of the Sea. A negative consequence was the long, intense negotiating process. It was time to improve that situation.

YURIY SERGEYEV (Ukraine) welcomed the Security Council’s actions to combat piracy, including adoption of resolutions 1846 (2008) and 1997 (2009). He commended the activity of the Contact Group on Piracy off the Coast of Somalia, efforts by Member States and the International Maritime Organization’s (IMO) work to ensure safety at sea. These measures had greatly helped reduce the number of successful hijackings in the region. Yet, much remained to be done and he urged States that had not done so to join the relevant conventions and treaties. There was a crucial need to develop effective national criminal justice systems to ensure that any person involved in financing, planning, or

preparing an act of piracy be brought to justice. When eliminating the roots of piracy on land and its manifestation at sea, the international community also had to address piracy's impact, especially on its victims.

The Ukraine was among the States most impacted by piracy and Somali pirates still held 24 Ukrainians -- the crew of the "Ariana" vessel captured on 2 May this year. Fifteen vessels with Ukrainians on board have been held hostage by pirates over the last five years. Sixty-seven Ukrainians were captured by the Somali pirates, one of them shot dead and one seriously injured. On 24 November, a pirate attack on the oil tanker "Cancale Star" led to the death of another Ukrainian seafarer. Ukraine initiated including a provision in the draft resolution on the Oceans and Law of the Sea -- which invited States and international organizations to consider solutions for seafarers and fishermen.

To strengthen the United Nations role in countering piracy, the Ukraine convened the interactive discussion on "Strengthening the contribution of the United Nations in encountering maritime piracy" on 1 December. This event brought together delegations from more than 30 Member States, regional organizations and members of the United Nations family. The protection of seafarers -- before, during and after -- the pirate attacks, was high on the agenda. A conclusion was that the Assembly had a role to play. Ukraine believed it could promote protection and compensation for seafarers and fishermen whom survive these attacks.

SHIN BOO-NAM (Republic of Korea) said he could not stress enough the importance of the oceans and seas as a source of living and non-living marine resources and a vital avenue for transportation. It was regrettable, to witness the lingering prevalence of piracy and the degradation of marine resources. Collaborative efforts at the subregional, regional and international levels were needed to adequately address those problems.

Noting the pivotal role played by marine science and technology in fulfilling the common objectives with regard to every aspect of oceans and seas, he said a variety of cooperative scientific and technical endeavours in ocean affairs, a healthy exchange of information and design of joint research activities were needed to achieve conservation and sustainable development of marine resources. His country was doing its part to enhance international cooperation by transferring marine technology to developing countries through the Korea International Cooperation Agency's funding and internship programmes, he said.

Continuing, he said, as a responsible fishing state and as State Party to the Convention, his country was deeply concerned by illegal, unreported and unregulated fishing. Preventing, deterring, and eliminating illegal, unreported and unregulated fishing activities was essential in achieving conservation, management and sustainable use of living marine resources. The Republic of Korea, had in that regard, put in place a framework to prevent the operation of sub-standard vessels and to exercise control over vessels flying its flag, in order to prevent and deter them from engaging in illegal, unreported and unregulated fishing. Also, the country would continue to work with other State Parties to take effective measures in combating illegal, unreported and unregulated fishing activities.

He concluded by reiterating his government's willingness to extend its full cooperation for the effective implementation of the 1982 United Nations Convention on the Law of the Sea, and assured its commitment to the promotion of an orderly and stable regime of the oceans, in the spirit of mutual understanding and cooperation enshrined in the Convention.

SOCORRO ROVIROSA (Mexico) urged States to redouble their efforts to comply with commitments related to the international legal regime of maritime law. Regarding resolution L.18 and work of the Commission on the Limits of the Continental Shelf, concrete measures must be designed for that Commission to handle its heavy workload. With the adoption of the resolution, the Assembly would provide some initial steps, but it would be the Special Working Group established by the meeting of States Parties to the Convention that would provide long-term solutions. Climate change affected most human activities and the paragraph on acidification of oceans was important.

As for marine biological diversity beyond areas of national jurisdiction, Mexico welcomed actions drafted by the Ad Hoc Working Group and hoped that, at its February meeting, recommendations for the General Assembly would be drafted. Also, she expressed hope that the eleventh meeting of the Consultative Process would allow States to make it more effective. She welcomed that discussions would focus on capacity-building in ocean affairs and law of the sea. Regarding the assessment of assessments, she welcomed the fact that the Assembly had endorsed the outcomes of its last meeting and a particular establishment of the process from the sixty-fifth session forward.

Regarding resolution L.29, she said Mexico was fully committed to sustainable fisheries and complied with all substantive provisions of the 1995 Agreement. Mexico sought mechanisms to achieve its universality, including genuine dialogue that took into account the views of non-States Parties, which she hoped would promote cooperation in conservation measures. Mexico would pay attention to two events next year in New York, including the Agreement review conference. She reiterated that responsible international trade was essential for ensuring that fishing contributed to sustainable development, and in that context, highlighted eco-labelling and certification plans, provided they were in line with national law. Market access must be allowed in non-discriminatory manner.

As for the effects of fishing on vulnerable marine ecosystems, Mexico recognized the need to implement measures agreed to in 2006 referring to deep-sea fishing. The application of the precautionary principle was meant to avoid causing irreversible damage to ecosystems and prevent loss that might require difficult recovery efforts. Technological developments allowed for the exploitation of seabed resources via less destructive methods. As such, she called for measures proposed in the resolution to be made operational.

Regarding illegal fishing, and possible links to organized crime, the Assembly had proposed a cautious approach, she said. Such a connection could be made only when States embarked on profound dialogue on the subject. The diversity of legal regimes that applied to such activities must also be considered. The range of topics covered by the resolutions underscored the importance of ocean affairs. Mexico supported both texts and would work in a responsible manner to meet the challenges related to the oceans.

SAVIOUR F. BORG (Malta), aligning himself with the European Union, recalled that forty-two years ago his country had called on States to reform the Law of the Sea, which culminated in the adoption of the Convention. Now, the time had come for the Assembly to examine possible approaches to review the Convention. For example, among the limitations, one could note provisions dealing with piracy, illicit traffic in narcotic drugs or psychotropic substances and rules dealing with submarine cables and pipelines. Among the issues not addressed in the Convention were trafficking of human beings, safety and security of navigation and transportation of weapons of mass destruction. Given the emergence of new and critical issues over time, Malta proposed that the Assembly revise the Convention and intended to engage in consultations to advance that proposal.

Recent experience indicated that the Convention's provisions on piracy required revision, he said, pointing particularly to the definition of, the means of stopping and the prosecuting of that phenomenon. On the question of illegal fishing, Malta welcomed the agreement adopted by the Food and Agriculture Organization on 25 November 2009, which aimed to close fishing ports to ships involved in illegal, unreported and unregulated fishing. He invited States to join regional agreements and support their work, including through regional centres, which had proved to be useful tools to protect the marine environment. Among other issues critical to Malta, he highlighted its rescue of illegal immigrants, who travelled by small boat in the waters of the Mediterranean. He also noted the twentieth anniversary of the International Maritime Law Institute and underlined its indispensable role in the International Maritime Organization. To date, the Institute had trained 517 lawyers from 115 States.

ADEL HAMOUD HAMOUD AL-SHEIKH (Yemen) said his country attached great importance to all areas that governed the law of the seas. He noted the many mechanisms in the Convention to deal

with these issues. Yemen was plagued by limited resources and suffered from the use of bottom fishing. These practices had depleted the fish stocks in the exclusive economic zone and hurt the lives of fishermen and exacerbated poverty in his country. These fishing practices had devastated its fisheries. He called on all countries to engage in sustainable practices to stop this activity. Regarding the continental shelf, he shared the concerns of other states about the funding and load of the Commission's work.

Yemen was concerned about piracy off the shore of Somalia. He stressed the importance of safety and navigation for fishing vessels in all waters. He called for the condemnation of all activities concerned with piracy. The pirates had attacked Yemen's vessels and killed and injured many Yemeni citizens. He urged the international community to develop solutions for the victims of pirates and stressed the need for global cooperation to combat piracy. Yemen was ready to cooperate with all stakeholders. He also welcomed the creation of three centres - in Yemen, Kenya and Tanzania -- to share information on piracy.

ILENIA MEDINA (Venezuela) said oceans were essential to maintaining life. Venezuela had paid attention to events at the international level on seas and oceans and attached importance to the tenth meeting of the Open Ended Informal Consultative Process on Oceans and Law of the Sea, held from 17 to 19 June. The Consultative Process was a forum for political and technical consultation that involved all States in assessing the condition of the marine environment. It must be maintained as a permanent forum in the United Nations. Approaches to that question should be confined to the framework for sustainable development.

She said Venezuela shared concerns about promoting awareness of climate change impacts on oceans, and deficiencies in implementing a convention governing genetic resources outside national jurisdictions. The forum should involve all conventions relating to that subject, including the United Nations Convention on Biological Diversity. Venezuela did not accept that management of such resources should be decided by a regime that sought to exclude. The Convention on the Law of the Sea did not fully consider all aspects addressed vis-à-vis the oceans and seas. She drew attention to other instruments dealing with marine biological diversity beyond national jurisdiction, as seen in the Ninth Conference of Parties of the Convention on Biological Diversity.

Regarding the sustainable fisheries resolution, she emphasized that the conservation and management of highly migratory fish stocks was a highly sensitive matter and a priority for her country. Venezuela had taken measures to pursue the protection of hydro-biological resources. Also, penalties had been created for vessels flying the national flag that engaged in the illegal extraction of resources and incursion into waters without the requisite documentation. Further, a register of vessels was regularly passed on to regional fisheries management organizations. At the international level, Venezuela maintained important principles and codes of conduct related to fisheries. Her country had participated in regional organizations, like the Food and Agriculture Organization Fisheries Committee.

It was vital to participate in efforts to combat illegal, unreported and unregulated fishing, she explained and Venezuela had ongoing reporting related to the positioning of vessels flying the national flag on the high seas. In closing, she said Venezuela supported the implementation of an international approach that incorporated all international agreements. The Convention was not the only source of law for the sea. It did not enjoy universal coverage.

ABDUL GHAFUOR MOHAMED (Maldives) said there were few nations in the world whose well being and future development was so intricately linked to their marine and coastal ecosystems. The precarious state of the world's oceans was unmistakable and the Maldives experienced the consequences through economic, social and ecological signals. Only 20 per cent of the fish stocks were considered moderately exploited or underexploited and sustainable fisheries management was a key concern of the Maldivian community. Fisheries, along with tourism, accounted for 90 per cent of the country's gross domestic product and three-quarters of all jobs. Trans-boundary fish stocks, such as tuna, made up 90 per cent of its commercial catch and was a key vulnerability. Maldives needed international efforts to

ensure the fishery's lasting viability.

Policing an exclusive economic zone of 859,000 square kilometres spread over more than 1,100 islands, of which just 194 were inhabited, was difficult considering the Maldives development and limited capacity. All efforts taken by the Secretary-General to assist small island developing States to develop sound marine ecosystem management practices was greatly appreciated. Any threat to the biodiversity of its marine ecosystem was a threat to its sustainable development. The Maldivian atolls formed the largest group of coral reefs in the Indian Ocean and its tourism industry was dependent on healthy and flourishing reef ecosystems.

Turning to climate change, he said its catastrophic impact on his country's marine ecosystem resilience could not be overemphasized. Increasing ocean temperatures and acidity and rising sea levels had led to projections that the coral reefs would be wiped out within 50 to 100 years. Combating this impact would place an enormous burden on the small island developing States and threaten to undermine ongoing development efforts. The many issues raised here needed to be tackled at multiple levels and required a truly international response, supported by regional and local action. He applauded the Assembly's continued efforts to secure international cooperation and coordination on these matters.

ANDREW GOLEDZINOWSKI (Australia) supported the outcome of this year's sustainable fisheries resolution and reaffirmed its strong commitment to regulate bottom fisheries in accordance with resolution 61/105. He encouraged all States and regional fisheries management organizations to ensure that areas where vulnerable marine ecosystems were located, or likely to occur, be closed to bottom fishing activities and any activities, be authorized to proceed only if management measures were in place to prevent significant adverse impacts.

Australia was pleased that this year's resolution welcomed the adoption of the Convention on the Conservation and Management of the High Seas Fisheries in the South Pacific Ocean, which created a South Pacific regional fisheries management organizations. When this Fisheries Convention entered-into-force, the gap that extends from the most eastern part of the South Indian Ocean through the Pacific, towards the exclusive economic zone of South America, would be closed. Australia was a strong supporter of the Convention and had adopted measures, concerning the safety of navigation and protection of the marine environment, that was consistent with international law.

He acknowledged the considerable workload faced by the Commission on the Limits of the Continental Shelf and the importance of examining submissions within a reasonable timeframe.

EMAJ UDDIN PRAMANIK (Bangladesh) strongly emphasized the essential need for cooperation, including through capacity-building and transfer of marine technology, to ensure that all States were able to benefit from the sustainable development of the oceans and seas. The Informal Consultative Process must take the "true perspective" of the three pillars of sustainable development into account in its deliberations. In this regard, Bangladesh welcomed its decision to focus on "capacity-building in oceans and law of the sea, including marine science". Noting that some estimates of climate change-induced sea level rise would inundate 15 to 17 per cent of the low-lying coastal area of his country, he also emphasized the urgency of addressing the climate change issue under the Assembly's agenda item on oceans and Law of the Sea.

Turning to the Continental Shelf Commission's work and noting that it could be 50 or more years before the potential 99 submissions in its queue were addressed, he welcomed the recommendations in paragraphs 52 and 53 of the resolution. Bangladesh called on States to make voluntary contributions to the Trust Fund. It further reaffirmed its commitment to the principle that the "rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or any express proclamation". It strongly endorsed the inclusion in the resolution of this fundamental doctrine of the continental shelf, as a means of clearing ambiguities that might exist concerning coastal States' entitlements beyond 200 nautical miles based on natural prolongation.

He further noted that this principle, as included in the Convention, prescribed procedures for qualified coastal States to define the extent of their continental shelf entitlements. But, with individual States defining their entitlements, overlaps were expected, such as the claims in the Bay of Bengal by Bangladesh, India, Sri Lanka and Myanmar to overlapping shelf areas. Bangladesh had recently submitted its maritime boundary dispute to an arbitral tribunal pursuant to Annex VII of the Convention. In situations where objections were made over shelf areas, Bangladesh believed it was essential to develop a positive relationship with neighbouring States to facilitate an equitable solution.

AUGUSTINE P. MAHIGA (United Republic of Tanzania) said the international community had to come up with mechanisms to combat the piracy crisis wherever it occurred in the world. States had to cooperate to ensure the safety and security of navigation, such as by patrolling waters, and improve prevention and response capabilities. Concerted efforts should be made to fight impunity and a debate should examine the possibility of expanding the International Criminal Court's jurisdiction to include the crime of piracy. Perhaps there was an urgent need to hold an international conference, under the auspices of the United Nations, to re-examine the resurgence of this age-old problem and the relevance of existing conventions to deal with it.

His country was deeply concerned with the reckless illegal fishing activities that had exploited fishing species and had an adverse impact on the marine environment, particularly in developing coastal States. He welcomed efforts to develop a comprehensive global record on fishing vessels and refrigerated transport and supply vessels. Turning to climate change, he said its adverse impact was threatening the existence of some island states, displacing coast populations and threatening the existence of some marine species. The legal and socio-economic implications of these changes were enormous and needed to be understood. As foreseen in the forthcoming Copenhagen Conference, the legal dimension needed to be understood, included or at least flagged out for follow up action.

MANJEEV SINGH PURI (India) declared India's commitment to the protection and preservation of marine biodiversity, in particular in areas beyond its national jurisdiction where marine biodiversity was threatened by a number of causes. Those included destructive fishing activities, over exploitation in vulnerable marine environments, open unregulated access to fisheries, bottom trawling, bio-prospecting, geo-engineering activities, and pollution of marine environment from various sources.

Coordinated and combined efforts were required to minimize the harmful effects of those activities on the marine environment, he stated, explaining that India recognized the need to consider new approaches within the overall framework of the Convention to promote international cooperation aiming at conservation and sustainable use of living resources of the high seas and benefit sharing of seabed resources located in areas beyond national jurisdiction. However, the participation of developing countries in devising and adopting such approaches greatly depended on the scientific information and technical know-how available within them. The promotion of the flow of scientific data and information and transfer of technology resulting from marine scientific research, especially to developing states, was thus essential to achieve that objective. In his view, scientific research could lead to a better understanding and utilization of almost all aspects of the oceans and its resources.

In the area of maritime navigation, he voiced serious concern over piracy and armed robbery at sea, particularly that occurring off the coast of Somalia. Piracy was not only a threat to the freedom of the seas, maritime trade, or to the security of maritime shipping, but it also endangered the lives of seafarers, affected national security and territorial integrity, and hampered the economic development of the countries of the region. With that in mind, India was actively cooperating in international efforts to combat piracy and armed robbery at sea, and fully supported joint and concerted efforts taken by the international community.

Because of the persistence of the menace of piracy and armed robbery off the Somalia coast, he believed there was a growing need for a well-considered, coordinated course of action in conformity with international law. There was also a continued need to assist developing coastal states through capacity building, including by training of law enforcement officials, transfer of equipment and others, to enhance

their capacity and enable them take effective measures against the threats of maritime security.

Speaking of fisheries, he said the sector occupied an important place in the socio-economic development of his country. To that end, he was supportive of increased adherence to the 1995 United Nations Fish Stock Agreement and to strengthen its implementation. The effective implementation of measures proposed to combat the adverse impact of bottom fishing on vulnerable marine ecosystem in resolution 61/105 was an area of particular interest during negotiations. He hoped the additional measures agreed to would help regulate bottom fishing in areas beyond national jurisdiction.

GUNNAR PALSSON (Iceland) welcomed the recent ratifications of the Law of the Sea Convention, which brought the number of States parties to 160. The three institutions established by the Convention were functioning well, although Iceland shared concerns that the Commission's heavy workload placed additional demands and challenges on its members. It supported the decision to address that issue as a matter of priority and through an informal working group. There had been an unfortunate lack of appreciation of the nature of the rights of the coastal State over its continental shelf and to address this, the draft resolution on oceans and the Law of the Sea had referred to article 77, paragraph 3 of the Convention, which spelled out those rights as inherent and not dependent on submissions to the Commission.

Underlining the paramount importance of the United Nations Fish Stock Agreement, he stressed that its effectiveness depended on wide ratification and implementation and welcomed recent ratifications. He also welcomed the Port State Agreement of the FAO as the first global treaty focused specifically on illegal, unreported and unregulated fishing. It provided minimum standards for port State measures and described the measures and conditions required for them to be taken. Iceland had signed the Agreement and would ratify it as soon as possible. It encouraged other State to follow suit

His delegation fully endorsed the paragraphs of the draft on sustainable fisheries that addressed the Assembly's review of the work with respect to regional fisheries management organizations regarding bottom fisheries and the protection of VMEs from destructive fishing practices. It also looked forward to the eleventh meeting of the informal consultative process, which would focus on capacity building, including marine science. It welcomed the start-up of the first cycle of the regular process for global reporting and assessment of the state of the marine environment. It looked forward the reconvening of the Ad Hoc Working Group of the Whole from 30 August to 3 September 2010 to make recommendations on modalities for implementing the regular process. Finally, he stressed that the Arctic Ocean should continue to be a priority area for research on climate change.

JIM MCLAY (New Zealand) said his country, with its extensive coastline, always had a strong interest in the ocean and its resources and gave great importance to the annual resolutions on Sustainable Fisheries and the Oceans and the Law of the Sea. The review of the implementation of the bottom fishing provisions in resolution 61/105 confirmed that significant efforts had been made by regional fisheries management entities and States to create regional fisheries management organizations. He supported the reaffirmation in this year's resolution of the key elements of resolution 61/105 and the emphasis placed on acting consistently with the Guidelines for the Management of Deep-Sea Fisheries developed by the FAO.

He was pleased that this year's resolution also welcomed the adoption of the High Seas Fisheries Convention, which created a South Pacific Regional Fisheries Management Organization. This Fisheries Convention provided for the conservation and management of the non-highly migratory fishery resources of the high seas of the South Pacific. Regarding the Continental Shelf Commission, he said New Zealand was among the first countries to submit information to the Commission and subsequently receive a recommendation. Other countries now faced much longer wait times and he was concerned about the body's considerable workload and the implications for timely consideration of submissions. Adequately resourcing the assessment of coastal waters and exclusive economic zone was a challenge for many countries, he added Global efforts to improve the collective ability to assess, analyse and integrate information on the marine environment level had to continue.

EBENEZER APPREKU (Ghana) aligning himself with the statement of the African Group, reaffirmed Ghana's commitment to upholding its obligations under the United Nations Convention on the Law of the Sea, which he said underpinned a delicate balance achieved by the international community in an effort to enhance the safety and security of the sea and ensure the sustainable use, development and exploitation of the resources of the oceans. Towards that end, Ghana would continue to play an active role in the work of the International Seabed Authority, including negotiations aimed at finalizing the text of draft regulations on poly metallic sulphides and measures to ensure sustainable exploitation of the marine environment in the Area.

He said this year Ghana had made its presentation to the Commission in the Limits of the Continental Shelf. He appreciated the efforts by the Convention to improve working methods and reduce its workload. However, greater attention must be given to ways to reduce its huge backlog. As it stands, Ghana will not be considered by a sub-commission until 2020.

He cited the recent rescue by Ghanaian naval and other law enforcement authorities of a pirated oil vessel from a "neighbouring country", as underscoring the importance of regional and subregional cooperation with a view to enhancing the collective ability to honour obligations towards ensuring the safety and security at sea and the sustainable and optimal use of the ocean resources, including fisheries and minerals, as well as maintaining the balance in the ecosystem. In that regard, Ghana would continue to pay serious attention to the memorandum of understanding on port state measures for West Africa and Central Africa, as well as its membership of regional and international fisheries and maritime bodies, such as the FAO, the International Maritime Organization (IMO) among others.

Mindful of its obligations under international law in particular the Convention, Ghana was taking all necessary steps to ensure due diligence in the exploitation of the recent offshore oil discoveries, including putting in place appropriate environmental impact assessment standards to ensure that the production of oil and gas did not lead to avoidable damage to the marine environment, nor negatively impact the livelihoods of fishing communities in the catchment areas of those oil fields.

He said Ghana was also committed to the peaceful settlement of disputes in respect of matters arising from use and navigation of the oceans and the promotion of the respect for law of the sea and the rule of law in the oceans. The country further joined others in calling for urgent attention to be given to capacity building, technology transfer and maritime scientific research and information sharing as the link between climate change and the oceans.

He concluded by underscoring the crucial importance his country attached to the guiding principles and general considerations reflected in the decision 7/1 of the Commission on Sustainable Development, namely avoiding the multiplicity of new and competing initiatives and institutions and processes, as well as having due regard to the United Nations Convention on the Law of the Sea as setting out the overall framework with which all activities relating to oceans and the seas must be considered.

Aligned with the statement made on behalf of the African Group, BUKUN-OLU ONEMOLA (Nigeria) said Nigeria was a coastal and port state that gave great importance to all issues related to the ocean and seas, since large populations, especially in the developing world, depended on these resources for their livelihoods. Wrong practices -- such as illegal and unreported fishing, pollution from ships, piracy and damage to the marine environment -- were some of the major challenges facing the international community.

It was essential for the international community to provide assistance to developing coastal states, upon their request, to enhance their capacity at all levels to patrol their territorial and adjacent waters, so as to combat crime and other illicit activities. For Nigeria, the sea bed, the ocean floor, the subsoil and its living and non-living resources, in areas beyond national jurisdiction, made up a common heritage of mankind and the benefits arising should accrue to all humanity. He said the workload of the Continental

Shelf Commission was of grave concern to many delegations, including Nigeria. The Commission's meagre resources meant consideration of the submissions were expected to last many years. He called on Member States to provide the Commission with greater human and material resources to facilitate this crucial work.

MARINA A. VALERE (Trinidad and Tobago), aligning her delegation with the statement made on behalf of the Caribbean Community, said the Law of the Sea Convention granted coastal States sovereignty or sovereign rights over the exploration or exploitation of living and non-living marine resources. Beyond national jurisdiction, it also set out the framework for cooperation among States in certain activities. It further provided for the sustainable use of fisheries, obligating States parties to conserve and manage living marine resources within their national jurisdiction. But, notwithstanding the best efforts of developing States like hers, their fisheries were under threat from illegal, unreported and unregulated fishing. Her delegation called on States to recommit to the International Plan of Action in this matter. It also called for more effective and sustained implementation of Assembly resolution 61/105 to reduce the threat posed by bottom fishing on vulnerable marine ecosystems.

Turning to the informal consultative process, she highlighted it as a useful opportunity for an exchange of views and welcomed its decision to focus on capacity building next year, which must include the question of technology transfer as consistent with the principle of cooperation among States envisioned in the Convention. Noting the Commission's current workload, she said the possibility that her country's submission would be considered as late as 2028 was contrary to its legitimate expectation that the submission of a State party would be considered during a reasonable period. Urgent action must be taken to provide more resources to the Commission and the Division for Ocean Affairs.

She went on to express her country's view that the provisions of Part XI of the Convention now formed part of customary international law and the international community had a responsibility to ensure that those provisions were fully implemented. The work of the International Seabed Authority to administer the Area and its resources was tremendously important, and she reiterated calls for all States to become involved in the ongoing negotiations aimed to conclude legal codes for prospecting and exploring mineral resources in the Area. In light of preparations for the February meeting of the informal working group, Trinidad and Tobago held the view that there was no governance or regulatory gap concerning marine biodiversity found in areas beyond national jurisdiction. Indeed, those resources were part of mankind's common heritage and as such, and due to their being found in the Area, her country saw a role for the Authority to play in administering those resources.

NII ALLOTEY ODUNTON, Secretary-General of the International Seabed Authority, addressing the Assembly for the first time since his assumption of the leadership of the Authority, said he believed the Authority could complete work in 2010 on the draft regulations for prospecting and exploration for polymetallic sulphides. If seabed mining was to become a commercial reality, it was important that the Authority began progressively to examine the issues relating to the nature of the regulatory framework that would apply beyond the exploration phase that were left pending as a result of the 1994 Implementation Agreement, and to begin to address some of the critical legal and financial questions that would eventually determine whether investment in the seabed mining industry would take place or not.

He said he was pleased to note that draft resolution A/64/L.18 placed particular emphasis on two matters that were of great importance to the Authority, namely: the issue of capacity building in matters relating to ocean affairs and the law of the sea; and the question of measures for the protection and preservation of the maritime environment, including marine biological diversity, in areas beyond national jurisdiction. The Authority was engaged in a number of efforts designed to help strengthen the capacity of Member States, particularly developing States, to fully realize the objectives of the regime for the international seabed area. Those efforts included a series of regional sensitisation seminars aimed at promoting the work of the Authority and encouraging cooperation among countries in those regions to make full use of the resources of the deep seabed.

He reported that the Endowment Fund for the promotion of marine scientific research established

by the Authority had commenced its activities in earnest during 2009. In 2009 alone, the Fund had provided training and research opportunities for more than 15 individuals from developing countries. One of the remarkable aspects of the Fund had been the strong interest expressed by leading scientific and technical institutions around the world in collaborating with the Authority to provide training opportunities at a postgraduate level.

Turning to the question of the protection and preservation of the marine environment, he pointed out that concern over that issue was fully reflected in the exploration code, which required contractors to collect environmental data and share it with the Authority, to carry out environmental studies of the conditions at the ocean floor and progressively to conduct assessments of the impacts of their activities on the marine environment. One of the major difficulties for the Authority, and for any other institution dealing with the problems of managing biodiversity in the deep ocean, was the lack of adequate data on which to base decisions, he noted. In that regard, the major contribution of the Authority had been its work over the past 12 years in collecting and standardizing available data relating to the deep-sea environment. That work had been carried out in collaboration not only with contractors, but also with leading scientists and relevant international research programmes, including the Census of Marine Life. He believed that, as a global institution, the Authority was well placed to act as a repository for those data, and, in accordance with its mandate under the Convention, to promote and encourage research programmes using those data and to disseminate the results for the benefit of all States.

Continuing, he said another major development in the Authority's work was the proposal to set aside certain areas of the Central Pacific Ocean for the purposes of protecting the environment and safeguarding biodiversity. That proposal, which he said was based on extensive scientific and geospatial analysis of the environmental characteristics of the areas concerned over a period of several years, was taken up by the Legal and Technical Commission in 2008 and 2009. The Commission had decided that what was needed was a comprehensive environmental management plan at regional scale. Accordingly, one of the Authority's priority activities in 2010 would be to convene an international workshop to further review the proposal and to advise on the formulation of an environmental management plan, including a strategic environmental assessment, at a regional scale for the entire Clarion Clipperton Zone, he added. He concluded by urging all members to participate in the work of the Authority.

Speaking for the International Union for Conservation of Nature, HARLAN COHEN said he welcomed the resolutions before the Assembly. On the issue of climate change, he said carbon emissions had to be reduced quickly and sharply to protect the world's oceans. Other steps could be taken to reduce existing stressors and build ecosystem resilience to climate change. It was necessary to promote the research and monitoring of the oceans' role in the global carbon cycle and he welcomed progress on creating a regular global reporting process.

He welcomed agreement to implement the 2008 International Guidelines for the Management of Deep-Sea Fisheries in the High-Seas of the FAO and the decision by the FAO's Committee on Fisheries to support the development of a comprehensive global record of fishing, refrigerated transport, and supply vessels. Regarding fishing stocks, he said the state of blue fin tuna stocks, particularly in the eastern Atlantic, were of grave concern. His delegation was deeply troubled that a quota agreed to for the coming year was much higher than recommended by the scientific advisory body of the relevant regional fisheries management organizations.

An approach that would help conserve and manage better marine environment and ocean ecosystems would be to create networks of marine protection areas. It was nearly 2012, and, as agreed in the Johannesburg Plan of Implementation in 2002, representative networks of marine protected areas were to have been established. He welcomed the work done under the Convention on Biological Diversity on scientific and technical guidance regarding the use of biographical classification systems and the identification of marine areas beyond the national jurisdiction in need of protection.

JOSE LUIS JESUS, President of the International Tribunal for the Law of the Sea, welcomed Chad, the Dominican Republic and Switzerland as the newest States parties to the Convention on the

Law of the Sea. He also announced that Jin-Hyun Paik of the Republic of Korea had been elected and sworn in as a Tribunal member and would serve until 30 September 2014.

Regarding the Tribunal's judicial work, he said the Special Chamber considering the 2000 case relating to swordfish stocks in the South-Eastern Pacific Ocean that had been submitted by Chile and the European Community was scheduled to meet in Hamburg on 15 and 16 December. Further, the Tribunal had amended two articles during its March session. Under those amendments, the Tribunal had the option of determining that bonds or other forms of financial security in prompt release proceedings could be posted either with the detaining State or the Tribunal Registrar, rather than with the detaining State alone. Guidelines for posting with the Tribunal had also been issued and displayed on the Tribunal website.

To facilitate the submission of disputes to the Tribunal, he continued, information sharing about the Convention's dispute-settlement system had been promoted at a regional workshop in South Africa. Another would be held for the South Pacific Islands in early 2010. To recall, under the Convention States could select through a written declaration their preferred court or tribunal for settling disputes. Of the current 160 States Parties, 40 had filed declarations and of those, 26 had chosen the Tribunal to be part of the settlement process in disputes arising out of the interpretation or application of the Convention's provisions.

In 2009, he said Switzerland and Angola had made declarations choosing the Tribunal as their forum of choice. The current resolution before the Assembly should encourage more States to make such declarations. Again to recall, States could reach agreement prior to the default arbitration procedure being applied in the absence of making a declaration. Such agreement had been reached in two cases. Advantages of reaching agreement included cost and time efficiencies.

On the Tribunal's jurisdiction, he said a growing number of agreements relating to fisheries, marine pollution, and conservation made reference to the Tribunal as a means of dispute settlement. The inclusion of such references in bilateral agreements could prove to be useful in easing tensions between States by providing a judicial mechanism for early resolution.

Action on Draft Resolutions

Having concluded its debate, the Assembly turned to the draft resolutions before it, first taking up the text on oceans and the law of the sea (document A/64/L.18 and Corr.1).

Speaking in explanation of vote before the vote, the representative of Singapore said her delegation wished to put on record its understanding of operative paragraph 46, which she then read.

She said that paragraph left silent the impact of considerations by the Commission on the application of other parts of the Convention by other entities, including bodies referred to in the Convention, such as the International Court of Justice or the International Tribunal for the Law of the Sea. These and other entities had been conferred a role in the settlement of disputes concerning the Convention's application. While Singapore would vote for these resolutions, it did so on the understanding that consideration by the Commission of submissions by coastal States was equally without prejudice to the application of other parts of the Convention by other entities.

The representative of Venezuela said her delegation's position on L.18 and Corr.1, confirmed its commitment to cooperate with efforts to promote coordination on matters relating to oceans and the law of the sea in accordance with international law. It confirmed that it was fully resolved to support any effort to ensure the integrated management and use of oceans and seas. However, it confirmed its position that the Convention should not be regarded as the sole source of the law of the sea. Indeed, other legal instruments applied and this was the reason that prevented Venezuela from becoming party to the Law of the Sea Convention and the 1995 Agreement. Thus, her country was not bound to the provisions in those instruments. Further, those provisions did not apply to it under customary law, with certain

exceptions. As a result, some of the points in the text required her delegation to abstain.

The Secretary informed Member States that, should the Assembly adopt the draft resolution, no financial implications would arise under the proposed programme budget for the biennium 2010-2011.

The Assembly then adopted draft resolution L.18 by a recorded vote of 120 in favour to 1 against (Turkey), with 3 abstentions (Colombia, El Salvador and Venezuela) (see Annex).

The Assembly then turned to the draft text on sustainable fisheries, including to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and related instruments (document A/64/L.29).

The Secretary informed Member States that, should the Assembly adopt the draft resolution, no financial implications would arise under the proposed programme budget for the biennium 2010-2011.

The Assembly then adopted L.29 without a vote.

Speaking in explanation of position after action, the representative of Argentina said her delegation joined the consensus in adopting the resolution on sustainable fisheries. But, it believed none of the resolution's recommendations could be interpreted in any way that implied that the provisions contained in the [1995] Agreement on the Convention's implementation were obligatory to States that had not expressed their explicit agreement.

Also, she recalled that international law did not allow regional fisheries management organizations to adopt measures on ships whose flags were not members of those organizations. Moreover, the implementation of conservation measures, the launching of scientific programmes or any activities recommended in the resolution were understood to be in the existing framework of the Law of the Sea. Argentina considered that nothing in the resolution affected the sovereign right of States to their continental shelf.

In an explanation of vote, Turkey said it was not a co-sponsor of the draft resolution on the oceans and the law of the sea, as incorrectly reflected in document A/64/L.18. He referred delegates to the corrected document, A/64/L.18/Corr.1.

Turkey voted against the draft resolution contained in document A/64/L.18 and said the reasons that had prevented Turkey from becoming a party to the Convention remained valid. The Convention did not provide sufficient safeguards for special geographical situations and did not take into consideration conflicting interests and sensitivities stemming from special circumstances. It also did not let States register reservations on its articles.

In reference to the draft resolution on sustainable fisheries in document A/64/L.29, Turkey supported the draft resolution, but disassociated itself from references to the international instruments she was not party to. These references should not be interpreted as a change in Turkey's legal position with regard to the said instruments.

Explaining her delegation's position on L.29, the representative of Venezuela confirmed that her country would continue to cooperate with efforts to promote coordination on matters relating to sustainable fisheries. But, as it said earlier, the grounds that prevented Venezuela from becoming party to the Law of the Sea Convention and the 1995 Agreement on the implementation of that Convention's provisions still existed. She, thus, reaffirmed Venezuela's reservations on those two instruments and, further, the resolution.

ANNEX

Vote on Oceans and the Law of the Sea

The draft resolution on oceans and the law of the sea (document A/64/L.18) was adopted by a recorded vote of 120 in favour to 1 against, with 3 abstentions, as follows:

In favour: Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Cameroon, Canada, Cape Verde, Chile, China, Congo, Costa Rica, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Egypt, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Iceland, India, Indonesia, Ireland, Italy, Japan, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nauru, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Turkey.

Abstain: Colombia, El Salvador, Venezuela.

Absent: Afghanistan, Angola, Antigua and Barbuda, Azerbaijan, Barbados, Belarus, Belize, Bhutan, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Burundi, Cambodia, Central African Republic, Chad, Comoros, Côte d'Ivoire, Croatia, Democratic Republic of the Congo, Dominica, Ecuador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Grenada, Guinea, Guyana, Haiti, Honduras, Hungary, Iran, Iraq, Israel, Jamaica, Kenya, Kiribati, Kyrgyzstan, Lebanon, Lesotho, Liberia, Libya, Malawi, Montenegro, Namibia, Nepal, Nicaragua, Niger, Paraguay, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Sierra Leone, Somalia, Swaziland, Switzerland, Syria, Tajikistan, Timor-Leste, Tonga, Tunisia, Turkmenistan, Tuvalu, Uzbekistan, Vanuatu.

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