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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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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 Commission 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

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

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

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.

