

Agenda Item 30: Oceans and the Law of the Sea

Statement by Mr. Narinder Singh, First Secretary on November 27, 2001

Mr. President,

My delegation welcomes the comprehensive and informative Reports of the Secretary General on matters relating to Law of the Sea and Ocean Affairs. We are also pleased to co-sponsor the resolution on Oceans and the Law of the Sea.

The United Nations Convention on the Law of the Sea, 1982, sets out the legal framework within which all activities in the oceans and seas must be carried out. Accordingly, the need for its universal acceptance cannot be over-emphasised, and we welcome the steady increase in the number of State Parties.

The International Seabed Authority has adopted the Regulations for Prospecting and Exploration for Polymetallic Nodules in the Area (the Mining Code), and has issued six contracts to the pioneer investors. As a registered pioneer investor, India will also be signing the contract with the Secretary General of the Authority very soon. The Authority has now taken up for consideration the question of regulations and procedures for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts in the international seabed area. At its last session, the Authority also elected 15 members of its Finance Committee and 24 members of the Legal and Technical Commission for five year terms beginning in 2002. India was re-elected to the membership of both these bodies.

With the adoption of its Scientific and Technical Guidelines, the Commission on Limits of the Continental Shelf is now ready to accept submissions from coastal states on the extent of their continental shelves, and also to provide scientific and technical advice to States in preparing their submissions. We welcome the decision of the Eleventh Meeting of States Parties on extension of the 10 year time limit for filing submissions before the Commission, which period would be taken to have commenced on 13th May 1999, i.e., the date on which the Commission adopted its Scientific and Technical Guidelines. This decision would be particularly helpful for those countries which were facing difficulties in complying with the time limits in view of their limited technical expertise and lack of resources. As a State eligible to a continental shelf extending beyond 200 miles under Article 76 of the Convention, India is evaluating the data already available and is undertaking further necessary surveys in preparation for making its submission to the Commission.

The International Tribunal for the Law of the Sea has become a functioning judicial institution in the short span of five years since its establishment, and as noted by the Secretary General, has "already built a reputation among international lawyers as a modern court that can respond quickly". The Tribunal has already delivered judgments and orders in eight cases which dealt with a variety of issues, involving the prompt release of vessels and crews, the prescription of legally binding provisional measures, and procedural and substantive issues relating to the registration of vessels, genuine link, exhaustion of local remedies, hot pursuit, use of force and reparation. In all these matters the Tribunal was able to deliver its judgments very expeditiously. The Tribunal currently has pending before it the first case concerning a dispute between a State and an international organisation. The

publications of the Tribunal, including the Basic Texts, and the Reports of the Judgments and Orders, and Pleadings are very useful in disseminating information about the Tribunal and its functioning.

My delegation attaches the highest importance to the strengthening and effective functioning of the institutions that have recently been established under the United Nations Convention on the Law of the Sea. We will continue to extend our full cooperation and to participate actively and constructively in all activities pertaining to the Convention and related agreements. It is a matter of concern that several Member States as well as States whose provisional membership has expired, continue to be in arrears on their contributions. It is essential that all Member States pay their assessed contributions in full, on time and without conditions.

Mr. President,

It is a matter of serious concern that, as noted in the Report of the Secretary General, efforts to improve the conservation and management of the world's fisheries have been confronted by the increase in illegal, unregulated and unreported fishing activities (IUU fishing) on the high seas, in contravention of conservation and management measures adopted by regional fisheries organisations and arrangements, and in areas under national jurisdiction in violation of coastal States' sovereign rights to conserve and manage their marine living resources. The seriousness of the problem of IUU fishing has also been addressed by the International Tribunal for the Law of the Sea in two cases involving applications for prompt release of vessels alleged to have fished illegally in the exclusive economic zone of a coastal state. The Tribunal took note of "the gravity of the alleged offences" as well as "the general context of unlawful fishing in the region" as factors to be considered in assessing the reasonableness of bonds or other financial security.

As a member of the Indian Ocean Tuna Commission (IOTC) and the Western Indian Ocean Tuna Organisation, India is cooperating with other States in conservation and management measures for the fishery resources of the Indian Ocean region, in accordance with the UN Convention on Law of the Sea. We welcome the imminent entry into force of the Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995, which has now received the required 30 ratifications/accessions. The International Plan of Action adopted by the FAO Committee on Fisheries to address the phenomenon of IUU fishing reaffirms the duties of flag states provided under existing international instruments. In addition, it provides for the right of port states to conduct investigations and to request information of foreign fishing vessels calling at their ports or offshore terminals, and to deny access to its port facilities if it has reasonable grounds to believe that the vessel is engaged in IUU fishing. We hope that the effective implementation of the 1995 Agreement and the FAO Plan of Action would help in reversing the trend of overfishing in many areas, and will guarantee the enforcement of the rights of developing coastal States. Developing countries must also be provided the necessary technical and financial support for capacity building for development of their fisheries.

A better understanding of the oceans through application of marine science and technology, and a more effective interface between scientific knowledge and decision making, are central to the sustainable use and management of the oceans. Marine scientific research can lead to a better understanding and utilization of almost every aspect of the

ocean and its resources, including fisheries, marine pollution, coastal zone management. Accordingly, it is vital that developing countries have access to and share in the benefits of scientific knowledge on the oceans. Part XIII and XIV of the Convention relating to marine scientific research and transfer of marine technology, respectively, are of fundamental importance, and need to be implemented fully. Scientific research in the maritime zones of a coastal State should, as provided in Part XIII, be conducted only with its prior approval and participation. Developing countries also need to be provided the necessary assistance for capacity building, as well as development of information and skills to manage the oceans for their economic development.

Mr. President,

The increasing acts of piracy and armed robbery against ships represent a serious threat to the lives of seafarers, the safety of navigation, the marine environment, and the security of coastal States, as well as impacting negatively on the entire maritime transport industry, leading to higher costs and even suspension of shipping services to high risk areas. We fully support the efforts of the International Maritime Organisation (IMO), which is presently considering a Code of Practice for the investigation of the crime of piracy and armed robbery against ships, and a draft resolution on measures to prevent the registration of "phantom ships". We also support IMO's efforts at promoting regional cooperation to address this problem, and have participated in many meetings and seminars organized by IMO for enhancing implementation of its guidelines on preventing such attacks. The main problem areas identified by IMO include resource constraints on law enforcement agencies, lack of communication and cooperation between the agencies involved and lack of regional cooperation, apart from the problems posed by prosecution. All these constraints need to be urgently and effectively addressed by giving higher national and international priority to efforts to eradicate these crimes. It may be noted that it was the prompt exchange of information and regional cooperation which resulted in the recovery of the hijacked *Alondra Rainbow* by the Indian Coast Guard authorities in October 1999, despite attempts to conceal the identity of the vessel by painting new names over the original name, and the persons involved are presently undergoing trial in India.

Mr. President,

The United Nations Convention on the Law of the Sea recognizes that the problems of ocean space are closely interrelated and need to be considered as a whole. International cooperation and coordination is the most effective means of implementing this fundamental principle. Accordingly, the need for coordinated efforts at the national, regional and international levels to make the most effective use of available resources and to avoid duplication and overlaps, and international cooperation for capacity building in the developing countries, in enhancing their resources and strengthening their means of implementation through transfer of environmentally sound technologies cannot be overemphasized. With a view to promoting such coordination and cooperation at both the intergovernmental and inter-agency levels, and to facilitate its annual review of ocean affairs in an effective and constructive manner, the General Assembly, through its resolution 54/33 established the open-ended informal consultative process. The process has held two meetings and has held in-depth discussions on a number of topics. The effectiveness and utility of the informal consultative process is to be reviewed by the 57th session of the General Assembly. My delegation looks forward to participating in and contributing to this review.