

STATEMENT BY MR. MANJEEV SINGH PURI, ACTING PERMANENT REPRESENTATIVE,
ON AGENDA ITEM 76 {A} AND {B}- OCEANS AND THE LAW OF THE SEA &
SUSTAINABLE FISHERS, AT THE 64TH SESSION OF THE UNITED NATIONS GENERAL
ASSEMBLY ON DECEMBER 04, 2009

Mr. President,

I would like to take this opportunity to thank you for convening this debate. We would also like to thank the Secretary General for his excellent Reports on issues relating to the oceans and the law of the sea.

We appreciate the presentation of the report on the work of the Ad Hoc Working Group of the Whole, established pursuant to the General Assembly Resolution 63/111, on the regular process for the global reporting and assessment of the state of marine environment, including socio economic aspects. We are happy to note that the regular process would be guided by international law, including UNCLOS and other applicable international instruments and capacity building, sharing of data, information and transfer of technology would be crucial elements of the framework for the regular process.

The United Nations Convention on the Law of the Sea (UNCLOS) provides the basic framework for carrying out any activity in the oceans and seas, for the use of its resources and for national, regional and international action and cooperation to counter threats and challenges to the marine environment. We need to take concerted action and to adopt integrated approaches to preserve oceans for future generations. The draft Omnibus resolution rightly recognizes that the problems of ocean space are closely interrelated and need to be considered as a whole as an integrated, interdisciplinary and intersectoral approach. We thank the coordinator Ambassador Henrique Valle for his efforts in coordinating this year's draft Omnibus Resolution.

Mr. President,

India attaches high priority to the effective functioning of the institutions established under the United Nations Convention on the Law of the Sea namely the International Sea-bed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. These institutions have made considerable progress in their respective areas of work over the past year. We follow closely the work of all these subsidiary institutions.

We congratulate the Chairman of the Commission on the Limits of Continental Shelf for the considerable progress made by the Commission in undertaking the considerations of the submissions. However we note that since a considerable number of States have made their submissions, it would take a long time for the Commission to consider those submissions.

We fully share the concerns expressed in the draft Omnibus resolution regarding the projected timetable of the work of the Commission on the submissions already received by it and those yet to be received and the significant inequities and difficulties for states that may arise out of the projected timetable, including with respect to retaining expertise, where there is a considerable delay between the preparation of a submission and its consideration by the Commission.

We hope that the informal working group engaged in examining this issue would consider and suggest short, medium and long term measures to address this problem with a view to shorten this time frame in a practical and realistic manner. This would enable the forthcoming Meeting of the States Parties to consider this issue in a holistic manner and suggest practical solutions to address this important issue.

We support the efforts made by Secretariat to strengthen the capacity of the DOALAS that serves as the secretariat of the Commission, to ensure enhanced support and assistance to the Commission in its consideration of submissions.

Mr. President,

We are committed to the goal of protection and preservation of marine bio-diversity, in particular in areas beyond national jurisdiction. Marine bio-diversity in areas beyond national jurisdiction is threatened by a number of causes such as 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, to name a few. Coordinated and combined efforts are required to minimize the harmful effects of these activities on the marine environment.

We recognize the need to consider new approaches within the overall framework of UNCLOS 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 depends on the

scientific information and technical knowhow available with them. The promotion of flow of scientific data and information and transfer of technology resulting from marine scientific research, especially to developing States, is therefore essential to achieve this objective.

Marine scientific research can lead to a better understanding and utilization of all most all aspects of the oceans and its resources. The marine scientific research which aims at exploration of biodiversity of deep seabed for commercially valuable genetic and biochemical resources should be carried out in accordance with the general principles of marine scientific research, namely, those contained in Articles 140(1) and 241 of UNCLOS.

Mr. President,

In the area of maritime navigation, we would like to express our serious concern over piracy and armed robbery at sea, particularly off the coast of Somalia. Piracy is not only a threat to the freedom of the seas, maritime trade, or to the security of maritime shipping, but it also endangers lives of sea seafarers, affects national security, territorial integrity and hampers economic development of the countries in the region.

India is actively cooperating in international efforts to combat piracy and armed robbery at sea. We support joint and concerted efforts taken by the international community in this regard. As the past incidents have shown there is a persistence of this menace especially off the coast of Somalia. There is a growing need for well considered, coordinated course of action in accordance with international law. There is also a continuous need to assist developing coastal States, through capacity building, including by training of law enforcement officials, transfer of equipment etc., to enhance their capacity and enable them take effective measures against the threats of maritime security.

We would also like to emphasize the importance of the principle of freedom of navigation including the right of innocent passage as well as transit passage through straits used for international navigation. In this regard we reaffirm our view that the States bordering straits may adopt laws or regulations relating to transit passage through straits but such laws should be enforced in a manner that is non-discriminatory and fully consistent with Article 42 of the United Nations Convention on the Law of the Sea.

Mr. President,

Speaking of fisheries, we would like to take this opportunity to thank Ms. Holly Koehler of the United States of America for coordinating in a skillful and professional manner the informal consultations on the draft resolution on sustainable fisheries.

The fisheries sector occupies an important place in the socio-economic development of India. We support increased adherence to the 1995 UN 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 ecosystems in Resolution 61/105 was an area of particular interest during the negotiation of this year's Fisheries Resolution. We hope that additional measures agreed to that end which include, inter-alia, identification of vulnerable ecosystems, assessment of impact of bottom fishing on such ecosystems, exchange of best scientific information and adoption of conservation and management measures to prevent adverse impact on such ecosystems, would help towards regulating bottom fishing in areas beyond national jurisdiction.

We are pleased to note that draft sustainable fisheries resolution duly recognizes the special circumstances and requirements of the developing States and specific challenges they may face in giving full effect to their obligations under this resolution.

The most important task before the developing countries in the development of their fisheries sector is to develop and enhance their capacity building. For this purpose they require access to and sharing of the scientific knowledge, resources, technology transfer, as well as development of skills.

In this context we particularly support OP 27 of the Sustainable fisheries resolution that invites States and international financial institutions and organizations to, inter-alia, provide assistance to developing States to enable them to develop their national capacity to exploit fisheries resources, including developing their domestically flagged fishing fleet, value added processing and the expansion of their economic base in the fishing industry.

Thank you, Mr. President.

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