



**STATEMENT BY MR. NIRUPAM SEN, PERMANENT REPRESENTATIVE, ON
AGENDA ITEM 49[A] : OCEAN AND THE LAW OF THE SEA AND [B]
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 STOCK AND HIGHLY MIGRATORY
FISH STOCKS, AND RELATED INSTRUMENT IN THE 59TH SESSION OF
THE UNITED NATIONS GENERAL ASSEMBLY ON NOVEMBER 16, 2004**

Mr. President,

My delegation welcomes the opportunity to participate in the debate on this item during the 10th anniversary year of the entry into force of the UN Convention on the Law of the Sea, 1982. We thank the Secretary-General for his comprehensive reports on matters relating to the Law of the Sea, and ocean affairs.

The United Nations Convention on the Law of the Sea 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 States Parties.

Mr. President,

It is a matter of deep satisfaction that all subsidiary institutions under the Convention, 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 have made considerable progress in their respective areas of work in the past year. India has been working closely with all these institutions. We have invested heavily in the exploration of minerals in the deep-sea bed. We continue to incur considerable expenditure for collection of data as a primary investor and now as a Contractor. The International Sea-bed Authority is currently involved in the development of a legal regime for prospecting and exploration of poly-metallic sulphides and cobalt-rich crusts. We appreciate the role of the Authority in the conservation of biodiversity in the Area, especially elaboration of the rules, regulations, and procedures to ensure the effective protection for the marine environment, the protection and conservation of the natural resources of the Area, and the prevention of damage to its flora, and fauna, from harmful effects that may arise from the activities in the Area.

During the last session of the International Sea-bed Authority, India was elected as a member of the Council in Group B, representing States which have made the largest investment in sea-bed mining. We congratulate Ambassador Satya Nanadan for his re-election as Secretary- General of the Authority for another four-year term.

Mr. President,

The Commission on the Limits of the Continental Shelf finalised and adopted at its 13th session a revised set of rules of procedures on the basis of the practical experience gained by the Commission from receiving and examining its first submission. We welcome the revised set of rules of procedure. The Commission is currently examining the second submission made by Brazil on 17th May 2004. We understand that a number of countries have indicated the submission of their claims between 2005 and 2008. The developing countries which are in the process of preparing submission to the Commission might require help in some cases to enhance their capacity. In this regard, States which have expertise in the delineation of outer limits of the Continental Shelf could extend such cooperation by providing assistance to developing States. India has the requisite expertise on the assessment and mapping of the Continental Shelf, and is willing to extend cooperation in training other developing countries for this purpose. We also welcome in this context the efforts of the Division of Ocean Affairs and Law of the Sea in bringing out a training Manual to assist States in developing the requisite knowledge and skills in preparing their submission in respect of the outer limits of the Continental Shelf. I may also add that in the context of South – South co-operation, to the extent practicable and appropriate India is prepared to share technologies fields ranging across ocean data collection, anti corrosion and submersible energy.

Mr. President,

The International Tribunal for the Law of the Sea has been active as an independent judicial body established by the Convention to adjudicate disputes arising out of its interpretation or application. It has decided a number of cases involving a wide variety of issues such as freedom of navigation and other internationally lawful uses of the seas, the enforcement of customs laws, refuelling vessels at sea, and the right of hot pursuit, conservation and sustainable use of fish stocks, provisional measures and matters involving land reclamation. The Tribunal enjoys a high reputation for fairness and integrity.

Mr. President,

The international community has continued to focus over the past year on issues relating to navigation, conservation and management of living marine resources, and conservation and management of biological diversity of the sea-bed in areas beyond national jurisdiction. In the area of navigation, we would like to express our serious concern with the increase in the reported incidents of piracy and armed robbery against ships which have risen to 3,041 in the period from 1984 to the end of March 2003. The involvement of militia groups in kidnapping the crew in politically

vulnerable areas calls for close attention. Piracy attacks have taken place in certain geographical hot-spots, not in the open sea, but in territorial waters while the ships were at anchor or berthed. Regional cooperation in the high-risk areas has been identified as an important measure to combat crimes at sea. India has been actively involved in the ongoing efforts initiated by Japan to establish a regional cooperation agreement on anti-piracy along with fifteen other States of the region. I may also add that the Indian Navy is playing a productive and useful role in countering piracy in adjacent to Seas.

Mr. President,

The prevalence of illegal, unregulated and unreported (IUU) fishing is causing severe problems affecting world fisheries, particularly developing countries, and is likely to have far reaching adverse consequences for the long-term sustainable management of their fisheries. It is a matter of grave concern that over-fishing continues to take place in contravention of applicable regional conservation regimes, and that States are not meeting their obligations to address complaints by their flag vessels and nationals. Excess capacity has been cited as a key factor in IUU fishing and over-fishing in general. Hence, emphasis has been made on the need for capacity reduction where excess capacity exists, and on the need for increasing the capacity of developing States in achieving sustainable fisheries, both in areas under national jurisdiction and on the high seas. In this context, we agree with the recommendation made by the FAO Technical Consultation, to continue to use funds to assist developing States in collecting and assessing comprehensive data on IUU fishing.

Mr. President,

The preservation of vulnerable marine ecosystem and biodiversity in areas beyond national jurisdiction has been the focus in recent times, in the subsidiary bodies created by the Convention, and also in the Conference of Parties of the Convention on Biological Diversity. It is currently estimated that approximately 98% of known marine species live in benthic environments, and that more species live in benthic environments than in all other environments on earth combined. The biological communities located, beyond the national jurisdiction, on the deep sea-bed such as sea mounts, deep-sea corals, hydrothermal vents, and other features which include cold seeps and pockmarks, and soft sediment environments, such as abyssal plains, trenches and submarine canyons have been identified as vulnerable to fishing, marine scientific research, including bio-prospecting.

The discovery of deep sea-bed communities has opened opportunities for prospecting of these chemo-synthetic organisms, characterised by a molecular structure allowing them to live in water exceeding 100° C and at extremely high pressure (extremophiles). Due to the species' robust nature (for example, their enzymes can be exposed to harsh conditions and high temperature), extremophiles are used in a number of industrial processes, ranging from liposomes for drug delivery and cosmetics to waste treatment, molecular biology, and food and agricultural processes. It appears that the commercial use of naturally occurring extremophiles is likely to increase in the near future.

Mr. President,

The impact of scientific research and bio-prospecting on these fragile ecosystems leading to habitat loss and mortality is required to be regulated in such a way as to ensure the sustainable use of biological resources, including the equitable sharing of benefits to humankind as a whole, in accordance with the general principles of the Convention on the Law of the Sea and the Convention on Biological diversity. In this connection, we would like to express our support to the establishment of an Ad-Hoc open-ended informal Working Group, envisaged in the draft resolution on Oceans and Law of the Sea, to study the issues relating to the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.

Thank you, Mr. President.

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