

STATEMENT BY MR. NIRUPAM SEN, PERMANENT REPRESENTATIVE, ON  
AGENDA ITEM: 77[A] & [B] – OCEANS AND THE LAW OF THE SEA AT THE 62<sup>ND</sup>  
SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY ON DECEMBER 10,  
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Mr. President,

I take this opportunity to thank the Secretary General for his comprehensive Reports on the issues relating to ocean affairs and the law of the sea.

India attaches high importance to the effective functioning of the institutions established under the United Nations Convention on the Law of the Sea. With a coast line extending four thousand miles and with 1300 islands, we have a traditional and abiding interest in maritime and ocean affairs. Therefore, we follow closely the work of 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.

We congratulate the Chairman of the Commission on the Limits of Continental Shelf for the efforts by the Commission under his leadership in undertaking the considerations of the submissions. We also thank him as well as the Secretariat for providing detailed information on various issues and constraints arising from the increasing workload of the Commission and the anticipated increase in the number of submissions in the coming years. In this crucial phase of Commission's work, it needs to be ensured that decisions that are taken do not compromise the task with which the Commission has been entrusted under the Convention. Accordingly, we fully support the request made by the States Parties to the Convention for the Secretary-General to take timely measures, before the twenty-first session of the Commission, to strengthen the capacity of the DOALAS that serves as the secretariat of the Commission and to ensure enhanced support and assistance to the Commission in its consideration of submissions. We also support the Commission's request for increased working time for the Commission to meet in a Plenary so as to enable it to examine the work done in the sub commissions.

As regards elections to the Commission and the International Tribunal for the Law of the Sea, we hope that the next meeting of the States Parties would be able to agree on the joint proposal of the Asian and African groups on allocation of seats in these bodies, in accordance with the principle of equitable geographical representation.

Mr. President,

The International Sea-bed Authority is currently involved in the development of a legal regime for prospecting and exploration of polymetallic sulphides and cobalt-rich crusts. We appreciate the role of the Authority in the conservation of biodiversity in the 'Area', and in ensuring environmentally sustainable development of seabed mineral resources. The Council of the Authority has finished the first reading of the Regulations on Polymetallic Sulphides. However several issues relating to the protection of the environment, including the time frame during which temporary measures could be taken by the Authority to prevent, contain and minimize the threat of serious damage to the marine environment, are still under consideration. India is totally committed to the protection and preservation of the marine environment but we would caution against attempts to impose an unduly burdensome regime as it would act as a disincentive for any further prospecting or exploration in the Area and defeat the very purpose of setting up the Authority. We also hope that issues regarding the configuration of blocks and geographic proximity of blocks in the allocated areas for exploration can be successfully resolved in the next session of the ISBA.

We continue to follow with interest the reports of groups of scientists collaborating on the Kaplan Project, which could be of help in managing nodule mining and the design of marine protected areas in the Clairion Clipperton Zone. We welcome the setting up of an Endowment Fund by the International Seabed Authority to promote and encourage the conduct of marine scientific research in the international seabed Area. The Fund will support the participation of qualified scientists and technical personnel from developing countries in marine scientific research programmes.

Mr. President,

The eighth meeting of the UN Open-Ended Informal Consultative Process on Oceans and the Law of the Sea this year discussed the issue of "Marine Genetic Resources". The symbiotic relationship between the biodiversity of the deep seabed and its ecosystem makes the entire resources of the sea-bed, living and non-living, to be a common heritage of mankind. Therefore it is necessary to

identify the risks to this common heritage and agree on a substantive legal basis for the conservation and management of biodiversity and the use of biological and biogenetic resources of the deep-sea bed and subsoil. In this regard we fully align with the G77 position that, all resources of the Area, including the marine genetic resources, in areas beyond national jurisdiction are a part of the "common heritage of mankind" regulated by the legal regime of Part XI of the Convention and "bioprospection" is essentially a marine scientific research activity that is regulated by Part XIII of the Convention.

In the area of maritime navigation, we view with serious concern the acts of terrorism, piracy and armed robbery against ships and are pleased to note the significant decrease in the number of attacks by pirates and armed robbers in the Asian region through increased national action and regional cooperation.

We would also like to emphasize again 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. 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,

Over fishing, destructive fishing practices and IUU fishing continue to be great threats to the conservation, management and sustainable use of biodiversity on the high seas. To combat IUU fishing it is essential to give priority to compliance and enforcement measures, including effective port State measures, listing of vessels, and developing and implementing integrated monitoring, control and surveillance packages. It is important to sustainably manage fish stocks and protect vulnerable marine ecosystems and thus to find a balance between sustainable use and conservation.

Thank you Mr. President

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