

*Agenda Item 34: Oceans and the Law of the Sea*

*Statement by Hon'ble Mr. S.S. Palanimanickam, MP,*

*Chairman of Standing Committee on Agriculture on October 26, 2000*

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Mr. President,

My delegation joins as a cosponsor of the draft resolution contained in document A/55/L.10. My delegation welcomes the comprehensive and informative Reports of the Secretary General on matters relating to the Law of the Sea and Ocean Affairs. We note that the Report contained in document A/55/61, was prepared in March 2000. Several important developments relating to the institutions established under the United Nations Convention on Law of the Sea have taken place which are also noteworthy.

The United Nations Convention on the Law of the Sea, 1982, is the cornerstone of the international legal regime relating to the oceans and seas. Given the importance of the Convention, the need for its universal acceptance cannot be overemphasised. My delegation notes with satisfaction that the number of States party to the Convention continue to increase steadily and move closer to the ultimate goal of universal acceptance. However, we note that many States whose provisional membership, under the terms of the 1994 Agreement relating to the implementation of Part XI of the Convention, has since expired, have not so far taken the necessary steps to become parties to the Convention.

The unified character of the Convention must be maintained in order to ensure its effective and uniform implementation. It is essential for States parties, as a matter of priority, to harmonise their national legislations with the provisions of the Convention, in order to ensure the consistent application of those provisions.

My delegation is pleased to note that all the institutions provided for under the Convention, namely, the International Seabed Authority, the International Tribunal for the Law of the Sea, and the Commission on Limits of the Continental Shelf, have been established and have completed work on the various administrative and institutional matters essential to their proper and effective functioning. Thus, all the institutions are now fully functional, and in a position to carry out the substantive mandates assigned to them under the Convention.

We welcome the adoption, by the International Seabed Authority, at its resumed sixth session, of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, popularly referred to as the Mining Code. The mining code constitutes the most important substantive basis for carrying out the functions of the International Seabed Authority, and with its completion, the Authority is now in a position to conclude formal contracts with the Registered Pioneer Investors. India, the first state to be registered as a Pioneer Investor in 1987, had its plans of work for exploration of the mine site in the Indian Ocean approved by the Authority in 1997, and having fulfilled all the obligations under the Convention, the Agreement relating to Part XI, and Resolution II, is eligible to obtain an exploration contract for its mine site. The Authority also approved, at this session, the Rules of Procedure of the Legal & Technical Commission, its Staff Regulations and elected 20 members to serve on its Council for a four year term beginning in 2001. India was elected as a member of the Council in Group B representing States which have made the largest investment in seabed mining. We also wish to congratulate Ambassador Satya Nandan for his unanimous re-election as Secretary General of the Authority and assure him of our full cooperation.

. The Commission on Limits of the Continental Shelf has adopted its Scientific and Technical Guidelines, which deal with the methodologies stipulated in Article 76 of the Convention for the establishment of the outer limits of the continental shelf, and are intended to assist coastal States regarding the technical nature and scope of the data and information which they need to submit to the Commission while submitting claims regarding the outer limits of their continental shelf. Thus, the Commission is now ready to accept submissions from coastal States and also to provide scientific and technical advice to States in preparing their submissions.

The open meeting on Delineation of the Continental Shelf organized by the Commission on the Limits of the Continental Shelf at its seventh session, was particularly useful. It provided an opportunity for delegates to interact with members of the Commission, to ascertain their views regarding the interpretation and application of the Scientific and Technical Guidelines, and to obtain first hand information on the issues relevant to the preparation by coastal States of submissions to establish the outer limits of their continental shelf beyond 200 nautical miles. This will assist States in preparing their submissions to the Commission. The Commission has also prepared the outline of a five day training course which will be of practical benefit to coastal States in training their personnel through development of the requisite knowledge and skills.

Turning to the International Tribunal for the Law of the Sea, we note that the Tribunal has become a functioning judicial institution in the short time since it was inaugurated in October 1996. It has already heard five cases involving many important issues, such as the 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, and was able to deliver its orders and judgements in these cases very expeditiously. We note that the new premises of the Tribunal were officially opened on 3 July 2000, and appreciate the facilities provided by the host country, Germany, to enable the efficient functioning of the Tribunal. With the conclusion of the agreement on the use and occupancy of the new premises, which was signed last week, the Tribunal will soon begin functioning from its new premises.

As noted in the Report of the Secretary General, the over exploitation of living marine resources and excess fishing capacity continue to be a matter of grave concern. In addition, the prevalence of illegal, unregulated and unreported (IUU) fishing is a severe problem affecting world fisheries, particularly developing countries, and is likely to have far reaching adverse consequences for the long term, sustainable management of their fisheries. The Agreement on the Conservation and Management of Straddling Fish Stocks and the Highly Migratory Fish Stocks was a significant development in the implementation of the Law of the Sea Convention, and its early entry into force and implementation could help in reversing the trend of over fishing in many areas. The Government of India is presently examining the agreement with a view to acceding to it.

As a member of the Indian Ocean Tuna Commission and the Western Indian Ocean Tuna Organisation, India is cooperating with the States of the region in the conservation and management of fishery resources. The Code of Conduct for responsible fisheries adopted by the FAO in 1995, as well as the FAO Agreement to promote compliance with international conservation and management measures by fishing vessels in the high seas need to be acceded to and applied with immediate effect. It is a matter of concern that over fishing continues to take place in contravention of applicable regional conservation regimes and that States are not meeting their obligations to ensure compliance by their flag vessels and nationals. The implementation of these Agreements will guarantee the enforcement of the rights of developing country coastal states. Technical and financial support must be extended to developing countries for capacity building for development of their fisheries. We further believe that small scale fisheries, including subsistence fisheries, should be protected in view of their social and economic importance to coastal populations in developing countries.

Recognising that issues relating to oceans and seas are highly complex and interrelated and need to be considered in an integrated manner, the General Assembly, highlighting the need to respect the international legal framework established by the UN Convention on the Law of the Sea, through its resolution 54/33 established the open ended informal consultative process, in order to facilitate its annual review of developments in ocean affairs in an effective and constructive manner. The first meeting of the open ended informal consultative process identified the topics of conservation and management of marine living resources, including illegal, unreported and unregulated fisheries, and marine pollution for detailed in-depth consideration. For its second meeting, the topics of marine science, including capacity building and transfer of technology, and piracy have been identified for consideration. While noting that the effectiveness and utility of the informal consultative process will be reviewed by the General Assembly at the fifty seventh session, it is necessary to point out that the Secretary General's Report contained in document A/55/61 does not reflect several important developments relating to the institutions established under the UN Convention on Law of the Sea.