



# General Assembly

Fifty-ninth session

**55**<sup>th</sup> plenary meeting

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New York

Official Records

*President:* Mr. Ping ..... (Gabon)

*In the absence of the President, Mr. Chowdhury  
(Bangladesh), Vice-President, took the Chair.*

*The meeting was called to order at 3.10 p.m.*

## Agenda item 49 (continued)

### Oceans and the law of the sea

#### (a) Oceans and the law of the sea

**Reports of the Secretary-General (A/59/62,  
A/59/62/Add.1, A/59/63 and A/59/126)**

**Report of the United Nations Open-ended  
Informal Consultative Process on Oceans and  
the Law of the Sea at its fifth meeting  
(A/59/122)**

**Draft resolution (A/59/L.22)**

#### (b) Sustainable fisheries, including through the 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 Stocks and Highly Migratory Fish Stocks, and related instruments

**Report of the Secretary-General (A/59/298)**

### Draft resolution (A/59/L.23)

**Mrs. Katungye** (Uganda): Allow me, through the President of the General Assembly, to thank the Secretary-General, as well as Mr. Felipe H. Paolillo and Mr. Philip D. Burgess, in their capacity as co-chairpersons of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, for their most detailed, informative and analytical reports.

As we celebrate the tenth anniversary of the entry into force of the United Nations Convention on the Law of the Sea, we can not help but be awed by the milestones reached through its supplementation by States, numerous challenges notwithstanding.

As my country has pointed out in the past, the prudent conservation and management of the oceans and seas is of great importance to us, even though we are a landlocked country. Our interest has been further piqued by the discussion on new sustainable uses of oceans, including the conservation and management of the biological diversity of seabed areas beyond national jurisdiction, especially given the presence in them of unique and diverse species and ecosystems.

On the other hand, we note with concern the emerging shift by some countries from upholding the principle of holding all resources found in the seabed of the high seas to be for the benefit of mankind, to debating whether or not those resources include biological resources, such as envisaged in the Convention on Biological Diversity, with reference to perceived lacunae of the United Nations Convention on

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the Law of the Sea and the 1994 Agreement. We do not see why a specific distinction should be made with respect to deep seabed genetic resources.

Nevertheless, in furtherance of the common heritage of mankind, we encourage the International Seabed Authority, in partnership with States, investors and the scientific community, to continue to explore the potential of cobalt-rich ferromanganese crusts and polymetallic sulphides, while taking great caution to minimize the environmental impact arising from exploration of such mineral resources.

We also urge the exploration and bioprospecting of potential sources of medicine and other benefits derived from the biological resources of the seabed, with these resources to be shared on an equitable basis.

The omnibus resolution encourages the intensification of efforts to build capacity and to continue to strengthen capacity-building activities in least developed countries. Uganda would like to support the emphasis placed on targeting least developed countries. Although a landlocked country, we, too, have a stake in the management of the oceans and the seas, as enshrined in the United Nations Convention on the Law of the Sea and attendant agreements and other legal instruments. Further, the lessons drawn from marine research and protection regimes can be transposed to the management of large inland water bodies. As all are aware, Lake Victoria, which is the second-largest lake in the world, is an important resource for food, commerce and international transport in the East African region. It faces the same challenges faced by most coastlines and seas.

In fact, the Food and Agricultural Organization of the United Nations has been instrumental in helping us to analyse challenges and come up with relevant strategies in promoting the sustainable use of the lake's resources. As well, the International Maritime Organization has, in the past, helped with study fellowships for some of our citizens. Those efforts need to be augmented.

Those two cases highlight the importance of the continuous involvement of all relevant United Nations programmes, funds, specialized agencies and other organizations in fostering the sustainable development of marine ecosystems.

In order to effectively help developing States, in particular least developed States and small island developing States, to implement the Convention, we urge all States and organizations in a position to do so to make voluntary contributions, financial or otherwise, to the trust funds established under the Convention and the Agreement, as well as to the relevant fellowship and fisheries programmes. We would like to recognize the contribution made to those funds by some countries, in particular Iceland this morning.

The protection and preservation of the marine environment and its living marine resources are key, and we need to step up concerted efforts towards eliminating or curtailing pollution and the physical degradation of maritime ecosystems. Such protection should take into consideration the proposals of the Plan of Implementation of the World Summit on Sustainable Development, which calls for maintaining the productivity and the diversity of vulnerable marine and coastal areas both within and beyond national jurisdictions.

Further, in accordance with international law, we must stem all destructive practices by vessels that adversely impact on vulnerable ecosystems. Those practices include deep-sea bottom trawling and the use of other destructive fishing gear.

Regarding the issue of illegal, unreported and unregulated fishing activities, we would like to join other delegations in calling upon Member States to take all necessary measures consistent with international law to prevent such unconscionable practices. We look forward to the forthcoming review conference of the United Nations Fish Stocks Agreement, which, we hope, will provide for the evaluation of the effectiveness of implementation of and participation in the Agreement. In the meantime, the onus rests on Member States to counter, within existing international laws, such infractions.

Even more deplorable is human trafficking on the high seas and the smuggling of migrants, who face the possible loss of life and are subjected to health hazards and psychological trauma, among other things. States parties need to vigorously enforce the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, among other relevant conventions.

The issue of the settlement of disputes is very pertinent, and its inclusion in the omnibus resolution is welcome. The International Tribunal for the Law of the Sea has significantly contributed to the peaceful settlement of disputes, as envisioned by the Convention. Its role in interpreting and applying both the Convention and the 1994 Agreement captures the fundamental character of the United Nations of maintaining and strengthening international peace and security. Also to be commended are the International Seabed Authority, the International Maritime Organization and the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat for their invaluable contributions in that regard.

Finally, we wish to thank the Secretary-General for convening the fifth meeting of the Consultative Process, which provided a very useful forum for dialogue and analysis and for forging common interests and goals.

**Mr. Ozawa (Japan):** At the outset, my delegation wishes to thank the coordinators of the two draft resolutions before us today. Our thanks also go to all countries that contributed to the consultations in a spirit of cooperation and to all the staff of the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat, which provided invaluable support. The Japanese Government is pleased to sponsor the draft omnibus resolution A/59/L.22, and we hope that draft resolution A/59/L.23 on sustainable fisheries will also be adopted by consensus.

Today is the tenth anniversary of the entry into force of the United Nations Convention on the Law of the Sea. Japan joins others in commemorating this anniversary, and, on this occasion, pays tribute again to everyone who worked so diligently to finalize, adopt and implement the Convention.

Today, the number of member States parties to the Convention is 145, and the number of States parties to the Agreement on the implementation of Part XI is 117. We are pleased to see that these numbers are growing and that the Convention is becoming a more universal legal framework for ocean affairs.

We must note, however, that the international community is facing a wide range of new issues, including transnational crimes, such as terrorism and illegal trafficking in drugs, and also issues relating to the growing pressures on the marine environment. Each of the new issues needs to be addressed in a

manner that respects the spirit and provisions of the Convention, while maintaining its framework in principle.

Japan is committed to the Convention and to the organs established under the Convention, namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. We have actively participated in the work of those organs and are determined to contribute further to their activities.

With regard to the Tribunal for the Law of the Sea, Japan attaches great importance to the role that the Tribunal plays in the maintenance of the order and stability of the ocean. My delegation wishes to take this opportunity to announce that Japan has decided to nominate Ambassador Shunji Yanai, the former Ambassador of Japan to the United States of America and an experienced diplomat with profound knowledge of international law, as a candidate for election as a judge of the Tribunal, at the elections to be held during the fifteenth meeting of States parties to the Convention, scheduled for June 2005. As the largest contributor to Convention organs in that it provides 22 per cent of their budgets, Japan expresses its determination to continue to contribute to the activities of the Convention organs.

As for the Commission on the Limits of the Continental Shelf, my delegation is pleased to note that Professor Kensaku Tamaki, who was elected as a member of the Commission in 2001, is contributing significantly to the work of the Commission. We recognize that the importance of exchanging views among States in order to facilitate the preparation of submissions by States to the Commission is mentioned in paragraph 33 of the omnibus resolution. For that purpose, Japan wishes to demonstrate its determination to contribute further to the Commission's work by hosting a symposium of experts in Tokyo.

The world continues to be plagued by the threats of piracy and armed robbery at sea. Of the more than 400 incidents occurring annually worldwide, almost half of the incidents are concentrated in Asia.

As described in the omnibus resolution, Japan proposed to formulate a regional cooperation agreement on combating piracy and armed robbery against ships in Asia. After active negotiations over the last three years, the final agreement was adopted on

11 November of this year at the intergovernmental meeting held in Tokyo.

That agreement will strengthen regional cooperation among maritime security organizations through the establishment of an information sharing system and a cooperative network dedicated to combating piracy and armed robbery at sea. Japan hopes that the agreement will not only contribute to enhanced cooperation among States parties in Asia, but will also serve as a very good example of regional cooperation. Japan is determined to continue its efforts to ensure safety for international navigation in Asia.

Allow me, next, to touch upon the maritime environment. Surrounded by the sea on all sides, Japan considers the preservation of the marine environment to be extremely important, and thus, is committed to the prevention of marine pollution at the international, regional and national levels. As a State party, not only to the United Nations Convention on the Law of the Sea, but also to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, and the International Convention for the Prevention of Pollution from Ships, Japan is committed to the effective implementation of those conventions, and strongly urges every country that has not done so, to ratify the conventions.

To follow up on the results of the 2002 World Summit on Sustainable Development, the Japanese Government has been making efforts to contribute significantly to the enhancement of the ocean policies of coastal States, at the national, regional and global levels. At the regional level, we are making steady progress in strengthening the functioning of the secretariat of the Northwest Pacific Action Plan.

Concerning the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, Japan amended the relevant sections of its domestic law in May 2004 and is preparing to become a State party.

Japan, as a responsible fishing State, and as a State party to the United Nations Convention on the Law of the Sea, has been earnestly addressing the conservation and management issues, as well as sustainable usage relating to marine resources, including straddling fish stocks and highly migratory fish stocks. Those efforts have been implemented individually, bilaterally and multilaterally. We are seriously concerned about illegal, unreported and

unregulated fishing activities — IUU fishing — and the overcapacity issues in global fisheries, which undermine efforts aimed at the sustainable use of living marine resources.

My Government has shown a commitment to eliminating IUU fishing, in order to conserve the marine ecosystem. Japan welcomes the initiative of the Food and Agriculture Organization of the United Nations (FAO) to deal with those problems, including the holding of intergovernmental technical consultations in June and July 2004.

In that regard, we would like to stress the point that, in discussing issues of conservation and management and the sustainable use of living marine resources, we should make certain that the discussions are based on scientific evidence provided by competent organizations, such as the FAO and regional fisheries management organizations. Those organizations have the required specialized expertise to provide accurate assessments and they therefore offer a better forum for such discussions, as compared to the United Nations.

In concluding, I wish to reiterate that Japan will continue to contribute to the stability of the legal framework on ocean affairs, and thereby, to the promotion of prudent and equitable use of the sea by the international community, in accordance with the Convention.

**Ms. Sila** (Samoa): As the present Chair of the Pacific Islands Forum, I have the honour to speak on behalf of those members who are represented at the United Nations, namely Australia, the Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Palau, Papua New Guinea, the Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

The Pacific Islands Forum covers a region of diverse States, including the least developed, developing and developed, with varied constitutional arrangements, economic links, population bases and other interests. Yet, as a group, we are collectively blessed with a vast expanse of interlocking ocean spaces, and a wealth of marine resources, woven together by our respective exclusive economic zones.

In that context, we share a common objective and realize the critical value of the marine resources and environment in our region. We wish to ensure, as joint

custodians, the sustainable conservation and management of those assets in our neighbourhood.

As we have often stated, developments in ocean affairs and the law of the sea remain of primary importance to us. We consider the annual debate under that agenda item, and its consequent resolutions, as part of an ongoing strengthening of the governance of the oceans. Both resolutions enable the General Assembly, as a collective body, to take stock of the events that have taken place in the course of the year in a variety of forums, both within the United Nations system and beyond.

In that respect, we note the burgeoning number of issues raised in the context of the two oceans-related resolutions. While we have some concerns about the length of the resolutions, we regard the active and lively discussions on the issues dealt with in them as a positive sign that Member States remain committed to pursuing international cooperation through the United Nations for the proper and effective management of the global marine environment and its resources. We commend both coordinators for the effective manner in which they conducted the negotiations, and the Division for Ocean Affairs and the Law of the Sea for their able support and organization.

Our group has continued to value the primacy of the United Nations Convention on the Law of the Sea as the constitutional framework of the oceans and seas. It is gratifying to witness the evolution and successful functioning of its subsidiary bodies, especially the work and decisions this year of the Meeting of States Parties, as well as critical work of the International Seabed Authority and the Commission on the Limits of the Continental Shelf. The increasing number of new States parties to the Convention and its related instruments this year serves as a reminder of the Convention's relevance, maturity and growing universality. We support all continuing efforts by this Organization to encourage Member States to join the Convention and its related agreements.

We continue to strongly support the work and role of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. We were pleased to see that once again the recommendations from the Consultative Process offered a strong contribution to focus and expedite debate and negotiations under this item. Equally, we were gratified that those recommendations did not

hamstring this year's negotiations on the omnibus and fisheries resolutions.

We continue to view the Informal Consultative Process as an opportunity for frank discussion on issues of practical import, which can be used to inform and expedite substantive debate during the General Assembly. In our view, the Process continues to prove its worth as a flexible, interactive and integrated forum on oceans. The Pacific Islands Forum looks forward to re-endorsement of the mandate of the Consultative Process next year, for a further term. In addition, we are well satisfied that discussions at the sixth meeting of the Consultative Process next year will focus on the topic, "Fisheries and its contribution to sustainable development".

We also look forward to the substantive work of the inter-agency coordination mechanism, UN Oceans, getting under way in the near future. We hope that the operation of this mechanism will draw together the various threads of work of the agencies and institutions involved in oceans issues and thereby complement the benefits of integration that the Consultative Process already provides.

Our group is pleased that the Assistance Fund established under Part VII of the 1995 Fish Stocks Agreement is now operational. In particular, we recognize the importance to small island developing States of capacity-building to implement both the Convention and the Agreement. The framework established by the Assistance Fund represents a concrete opportunity for small island developing States to that end and for the advancement of their fisheries aspirations generally — but only if Member States take up the invitation to make voluntary contributions to the Fund. We are pleased, therefore, that renewed priority was given this year to capacity-building and trust funds and fellowships. We hope that this outcome in the context of the omnibus resolution is transformed into generous action by Member States in the coming year.

In terms of regional implementation of the Convention and the Agreement, we are delighted to inform the Assembly that the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean entered into force on 19 June this year. Since that date, several additional commitments to the Convention have been received and we welcome efforts by other important States towards ratification and accession in

the near future. We look forward to the first meeting, in December this year, of the Western and Central Pacific Tuna Commission, established under the regional Convention, and to ongoing positive and cooperative relationships with all fishing nations in the context of this important regional institution. We continue to urge other distant-water fishing nations with a real fisheries interest in our region to work towards becoming a party to this Convention.

We take this opportunity to refer to the Pacific Islands Forum Regional Oceans Policy, which our leaders approved in 2002. It elaborates guiding principles that serve as a template for members in our group to develop national ocean policies.

At the Pacific Islands Regional Oceans Forum held in Fiji in February this year, representatives from our countries, as well as oceans experts, discussed the key oceans issues confronting us and worked on developing an implementation process for our Regional Oceans Policy. The result of this work is a Framework for Integrated Strategic Action — in other words, an action plan for integrated implementation of our Oceans Policy in the region. The Framework was endorsed by Pacific Islands Forum leaders in August this year. We are proud of these achievements, which we believe will ensure sustainable use of the ocean and its resources in our region by Pacific Islands communities and others into the future.

Our Framework for Strategic Action will be presented in Mauritius in January 2005 at the International Meeting to Review the Implementation of the Barbados Programme of Action for the Sustainable Development of Small Island Developing States. We look forward to the opportunity that Meeting will provide, as well as other future opportunities, to discuss oceans and fisheries issues of critical importance to small island developing States.

We have followed closely this year's developments in the two oceans-related draft resolutions, including, and in particular, issues relating to bottom-trawling, protection of marine biodiversity and illegal, unregulated and unreported (IUU) fishing.

Coming from a region that has a high concentration of vulnerable marine ecosystems, including coral reefs and underwater seamounts, we are well aware of, and firmly support, the need to take urgent action to prevent and manage the effects of destructive fishing practices, including bottom-

trawling, that have adverse impacts on vulnerable marine ecosystems. In that context, we were pleased that all States were able to reach agreement on a package of short-, medium- and longer-term responses to problems caused by those practices. We will be sure to take the necessary action in our own region in that regard and will welcome further discussion next year of progress around the globe.

We also welcome the decision this year to establish a new open-ended ad hoc informal working group on marine biodiversity beyond national jurisdiction. There is a clear need to establish a forum where the gamut of issues relating to governance, conservation and management of marine resources and environment beyond national jurisdiction can be openly and constructively discussed and where options for a coordinated international response can be developed. It is critical that all States have an equal opportunity to participate in these discussions, given the significance of the subject matter. We certainly plan to endeavour to participate actively and constructively in accordance with our primary interest in oceans and law of the sea matters.

Finally, Pacific Islands Forum members continue to view IUU fishing as one of the greatest threats to the future sustainability of our regional marine resources and environment. We stand in firm support of the need to take urgent action against such fishing activities and commit ourselves to work, particularly within the context of our new regional organization, to do everything possible to rid our region of IUU fishing. We continue to urge our partners to cooperate with us in achieving that goal.

**Mr. Maquieira** (Chile) (*spoke in Spanish*): I am going to make my statement in English owing to the fact that some of the countries I am going to speak about are English-speaking countries.

(*spoke in English*)

I have the honour to speak on behalf of 16 States, namely: Argentina, Bolivia, Brazil, Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Paraguay and Uruguay.

For the States Parties to the 1982 United Nations Convention on the Law of the Sea, the celebration of the tenth anniversary of its entry into force is particularly significant. After a decade, the Convention

has demonstrated itself to be one of the most visionary milestones of the United Nations. The General Assembly has rightly reaffirmed the unified character of the Convention and the need to maintain its integrity. At the same time, the States parties to the Convention are aware that it has to be understood against the background of an ever-evolving context determined to a large extent by the dynamic progress in the field of marine scientific research and marine technology.

The current debate is also significant due to the important work and debates at the fifth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea; both draft resolutions on this agenda item launch processes in relation to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction.

The conservation and sustainable management of marine biodiversity, including the protection of marine vulnerable ecosystems located beyond the limits of national jurisdiction, has been at the forefront of the concerns of the international community in recent years. We have witnessed this, not only in the context of the General Assembly work relating to oceans, but also in other forums like the International Seabed Authority, and the Conference of the Parties to the Convention on Biological Diversity, just to mention two.

Decision VII/5, the latest decision on marine and coastal biological diversity of the Conference of the Parties to the Convention on Biological Diversity, devoted much attention to the question of marine biodiversity beyond the limits of national jurisdiction. Undoubtedly, the work of that body has served as a guide for launching a set of processes reflected in the draft resolutions before us.

The dramatic developments and discoveries in the field of marine scientific research in recent years have shifted our understanding of marine living organisms in the deep sea beyond national jurisdiction. The international community has come to understand the key importance of marine biodiversity to the overall ecology of the planet and its current and potential contributions to sustainable development. Conservation and sustainable use of marine biodiversity are vital; however, our understanding of the various multidisciplinary issues related to biodiversity in the

high seas and the international seabed area remains fragmentary. We need integral, interdisciplinary and intersectoral approaches to deal with oceans issues. Finally, the problems of ocean space are closely interrelated and need to be considered as a whole.

In that regard, we welcome the establishment of an open-ended ad hoc informal working group to study issues related to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. We look forward to the Secretary-General's report, which will assist the working group in preparing its agenda. We encourage States to provide their input and their knowledge on matters to be examined by the working group.

We are conscious of the adverse impact on the marine ecosystems and the stocks of some fish, as a result of illegal, unreported and unregulated fishing, as it is stated in detail in the draft resolution on sustainable fisheries. We are convinced of the relevance of the actions that the draft recommends, including regional and subregional cooperation, and we consider they must be implemented in accordance to the International Plan of Action of the Food and Agriculture Organization of the United Nations (FAO) to prevent, combat and eliminate illegal, unreported and unregulated fishing.

We are also concerned by the adverse impact of destructive practices on marine vulnerable ecosystems located beyond national jurisdiction, in particular, high seas bottom trawling. We are well aware of the devastating effects of such practices on the marine ecosystems.

There is a general obligation to protect and preserve the marine environment, including rare or fragile ecosystems. In this regard, we are aware that the precautionary principle calls for urgent action. Therefore, we appreciate the steps provided for in the draft resolution on sustainable fisheries calling upon States or regional fisheries management organizations to consider interim prohibitions of destructive fishing practices in vulnerable marine ecosystems of the high seas. In this respect, we look forward to the discussions of these issues next year, with a view to reviewing the measures taken in accordance with the draft resolution in two years time.

We encourage all States to give serious consideration to the full implementation of the measures prescribed in the text to eliminate destructive

fishing practices on the high seas in order to make it a meaningful process for the benefit of present and future generations.

We understand that the measures called for in the draft resolution are fully consistent with the Convention and international law, and particularly with the rights and obligations of coastal States within areas of national jurisdiction.

We also note that in this year's draft resolution on fisheries the conservation and management of sharks has again been mentioned. We are convinced of the need to fully implement the FAO International Plan of Action for the Conservation and Management of Sharks and to take urgent measures at the national level or, as appropriate, at the regional level, to avoid the practice of shark finning.

We consider that capacity-building is crucial in order for developing countries to be able to fully implement the law of the sea framework and the various actions called for in the draft resolutions. Therefore, we acknowledge the critical role of regional initiatives in this regard.

In that context, we appreciate the operation of the Assistance Fund of the Conference on Maritime Delimitation in the Caribbean, intended to facilitate technical assistance in this field. We encourage States and private entities in a position to do so to contribute to this Fund.

We also would like to commend the International Seabed Authority for the preparation of a comprehensive and outstanding 10-year report on the occasion of the tenth anniversary of the establishment of the Authority. We highly appreciate the work of the Authority towards the implementation of its mandate.

We also attach priority importance to the establishment of a regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects. We recognize the urgent need to launch the preparatory stage towards its establishment in line with the Johannesburg Plan of Implementation and General Assembly resolutions 57/141 and 58/240.

We consider that maritime transport of radioactive materials and hazardous waste requires effective prevention and liability regulations to sufficiently guarantee the safety of coastal States. We are concerned in particular by the use of the oceans and

seas off our coasts as routes for the transportation of radioactive waste, and that is why we regret the attitude of some shipping countries that do not provide adequate information on such shipments and their routes in a timely manner. For that reason, we highlight the approval by the International Atomic Energy Agency in March 2004 of the Action Plan for the Safety of Transport of Radioactive Material.

We appreciate all reports of the Secretary-General under this agenda item. However, with regard to document A/59/62, we are convinced that any commercially oriented activities involving the biological diversity of the Area are ruled by the principles embodied in the Convention on the Law of the Sea and the Convention on Biological Diversity. Therefore, the biological diversity in the deep seabed beyond national jurisdiction, as part of the Area, is part of the common heritage of humankind. The access to its genetic resources should be subject to the sharing of benefits, taking into account equity and the objective approach of marine scientific research.

Finally, we would like to thank Mr. Marcos Almeida of Brazil and Ms. Jennifer McIver of New Zealand for the coordination of the oceans resolution. Our thanks go also to Ms. Holly Koehler of the United States for her coordination of the sustainable fisheries resolution. Our appreciation goes to the Co-Chairs of the fifth Meeting of the Informal Consultative Process, Ambassador Felipe Paolillo of Uruguay and Mr. Philip Burgess of Australia. Lastly, we would like to thank Mr. Vladimir Golitsyn and the team of the Division for Ocean Affairs and the Law of the Sea for the high quality performance of their responsibilities.

**Mr. Navoti (Fiji):** My delegation associates itself fully with the statement presented earlier by the representative of Samoa on behalf of the Pacific Island Forum members.

As the Assembly has heard, for those of us in the Pacific the ocean is vital and important. It dominates our lives both in terms of livelihood and economic advancement. The health and stewardship of the ocean are of critical importance; the sustainable and responsible utilization of its resources, both within and outside national jurisdiction, is crucial in insuring the intergenerational enjoyment of its many benefits.

Over the years, the General Assembly has been giving growing attention to the issues that affect oceans and fisheries. The promulgation of the United



Nations Convention on the Law of the Sea, which provides the legal framework for all our deliberations on the oceans and the law of the sea, is without doubt one of the biggest and most historic achievements of the United Nations. It is the first and only comprehensive treaty in the field of the law of the sea that contains both codified rules of customary law and a number of innovations, covering all uses not only of oceans and seas, but also of their superjacent air space and subjacent seabed and subsoil.

While acknowledging the lead role of the United Nations in this area, Fiji, for its part, stands united with other Pacific Islands Forum member States in safeguarding our ocean heritage, as it is indeed a treasure not only for us, but also for all of humanity.

Protecting the Pacific Ocean and its resources has always been central to Fiji's policy. For the first time, the countries of the South Pacific are cooperating to draft a comprehensive ocean policy that will have a large bearing on the region's future. We are using all our abilities and skills to enlist whatever assistance we can to make sure all countries in the region receive the maximum return from the regional tuna fisheries. This has major international significance because it is the largest remaining sustainable source of a seafood commodity that is essential for the global market.

Fiji thanks those countries that are working with our region to help us get a just and equitable return from these important resources. We express particular thanks to the United States for its regional fisheries treaty with certain Pacific Island nations, including Fiji. Our islands have entered a new phase of cooperation in the tuna industry through the Western and Central Pacific Tuna Convention, which came into effect in June.

My delegation is very mindful of the importance of the Johannesburg Plan of Implementation in relation to fisheries, in particular the commitment made therein to restore depleted fish stocks on an urgent basis and, where possible, not later than 2015. The wide application of the precautionary approach and ecosystem approach to the conservation, management and exploitation of fish stocks, including straddling and highly migratory fish stocks, is of utmost importance, and we therefore welcome the call contained in this year's draft resolution on fisheries for States to cooperate towards that end.

Surrounded by a massive and almost unpoliceable ocean, Fiji, like most of its Pacific neighbours, admits that illegal, unreported and unregulated (IUU) fishing remains one of the greatest threats to marine ecosystems. If that practice is allowed to continue without setting up appropriate measures to combat it, it will continue to have serious and major implications for the conservation and management of ocean resources. We support the call in the fisheries draft resolution for States, subregional and regional fisheries organizations and management to fully comply with all existing obligations and to combat IUU fishing and to urgently take all necessary steps to implement the Food and Agriculture Organization's International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

We cannot overemphasize the importance of responsible fisheries in marine ecosystems. Fiji, like many other Member States, is delighted at the inclusion in this year's draft resolution of a call for urgent action towards the putting in place an interim prohibition of destructive fishing practices, including bottom-trawling, which have an adverse impact on vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold-water corals located beyond national jurisdiction.

We are particularly pleased to note the further call for members of regional fisheries management organizations or arrangements without the competence to regulate bottom fisheries to expand their competence to address the impact of destructive fishing practices, including bottom trawling, and to ensure compliance with such measures. Since our region was among those which were the most vocal in calling for a global moratorium on bottom trawling, and because our regional fisheries organization lacked such competence, the inclusion of such a call now is indeed a major victory.

We welcome the recognition of bottom trawling as a fishing practice that poses a potential threat to marine ecosystems and welcome the call for short-, medium- and long-term actions against that practice. Fiji looks forward to the next report of the Secretary-General, in particular the section on the actions taken by States and regional fisheries management organizations giving effect to the call for the regulation of bottom trawling.

Both of this year's draft resolutions on fisheries and the oceans, as in the past, give prominence to the issue of capacity-building. Member States, like the oceans, have differing depths in their ability to participate and fulfil their obligations under the Convention. We support the call for States and international financial institutions to continue to strengthen capacity-building activities in the field of marine scientific research, and we welcome recent capacity-building initiatives such as those of the Nippon Foundation of Japan and the Hamilton Shirley Amerasinghe Memorial Fellowship programme.

My country is fortunate to have been a beneficiary of the capacity-building initiatives and assistance provided by the United Nations and other organizations in matters related to the law of the sea. For that, we are grateful.

Fiji is acutely aware of the time period identified in the Convention for submissions on the establishment of the outer limits of the continental shelf beyond 200 nautical miles. We note that the Commission on the Limits of the Continental Shelf has begun its consideration of the first submissions to be received so far. For our part, we are now working together with regional organizations to explore ways of fulfilling our obligations in that regard.

We welcome the decision contained in the draft resolution on the oceans and the law of the sea to establish an ad-hoc open-ended informal working group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. We commend the idea behind that initiative, and my delegation stands ready to participate cooperatively with others in the ensuing discussions. We hope that, ultimately, appropriate and possible options and approaches to promote international cooperation and coordination for the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction will be taken.

In conclusion, Fiji commends the work of the Sixth Committee in formulating this year's draft resolutions. Active participation and a constructive spirit of compromise will indeed have decisively contributed to its success. Fiji also commends the Secretariat and the Division for Ocean Affairs and the Law of the Sea for their valuable work on oceans, fisheries and law of the sea matters.

**Mr. Nakayama** (Federated States of Micronesia): My remarks will be brief, but their brevity does not diminish my delegation's concerns with respect to the agenda item under consideration. Those concerns are deeply held.

Micronesia agrees and fully associates itself with the statement delivered earlier by the representative of Samoa on behalf of the Pacific Islands Forum group.

My delegation is grateful for the comprehensive annual report on oceans and the law of the sea submitted by the Secretary-General. We also thank the Division for Ocean Affairs and the Law of the Sea for the important work they carry out in this area and for their unwavering support in facilitating the work of the informal negotiations. I must also refer with gratitude to the dedicated efforts of so many delegations. Naturally, we must give special thanks to Brazil, the United States and New Zealand as coordinators of the draft resolutions before the Assembly.

My delegation is not in unfamiliar territory in speaking here today on this subject. We know too well the significant role that the oceans play in the lives of our people. Micronesia, a developing nation, is an ocean State. Micronesian history began in the days when man explored the seas in rafts and canoes. The seas bring us together; they do not separate us. Our oceans sustain us. Their resources enrich us. Our people continue to rely on the bounties of the ocean for sustenance and economic development.

Experience has shown us that the state of ocean affairs, to put it plainly, remains precarious. The indiscriminate destruction of ocean resources continues. For example, large-scale pelagic drift-net fishing, while generally on the decline, remains a threat to marine living resources.

The continuing shipment of plutonium and radioactive wastes through our exclusive economic zones remains of great concern. Our Pacific Ocean is a vital breadbasket for the entire planet. Any transshipment accident could have a serious impact on the livelihood of our peoples and our economies and would be felt far beyond our shores for many generations to come.

Unauthorized fishing in zones of national jurisdiction and on the high seas and illegal, unreported and unregulated fishing continue to be of concern. Micronesia has a vast, exclusive economic zone rich in

fish resources. Like all small developing Pacific island States, we simply cannot act alone to manage and monitor illegal, unreported and unregulated fishing in areas under our national jurisdiction. We require the cooperation of other States to take greater enforcement measures to ensure that their vessels do not engage in illegal, unreported and unregulated fishing. States must also ensure that even when their vessels are authorized to fish in areas of national jurisdiction, they comply faithfully with the terms of that authorization.

Of increasingly serious concern is the threat to marine habitats and the adverse impact on vulnerable marine ecosystems caused by deep-sea trawling. Because it occurs at great depths and in areas beyond national jurisdictions, some may still not take this threat seriously. It is also fair to say that as science learns more about the impact of deep-sea trawling on marine biodiversity, the problem will become more obvious. The seventh meeting of the Conference of the Parties to the Convention on Biological Diversity explicitly called on the United Nations to take action. Although we realize that the issue will continue to be debated for years, we strongly fear that time is not on our side. The precautionary principle should guide our deliberations in addressing our concerns on this subject.

Preparing a submission to establish its extended continental shelf is a difficult task for a country such as mine, even within the extended time frame. In the case of Micronesia, we lack the basic capacity and the expertise necessary to acquire and collate the highly complex scientific data required for submission. That problem is further exacerbated by the lack of financial resources to actually get the work done. Without targeted assistance from the donor community, we will find it extremely difficult to make the required submission to the Commission.

My delegation is most gratified to note the significant achievements made at the regional level within the context of the Fish Stocks Agreement under the Convention on the Law of the Sea. This year, the Pacific region welcomed the entry into force of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. The Convention is testament to our regional commitment and to the cooperative approach adopted by coastal States and distant-water fishing nations towards sustainable conservation and management of our valuable fish stocks. We call on

States and entities that participated in the process of establishing the Convention to assign high priority to cooperating fully in its administration.

My delegation is most humbled by the decision to make the Federated States of Micronesia the host of the Western and Central Pacific Tuna Commission, established under the regional convention. My country looks forward to hosting the final preparatory conference for the establishment of the Commission and the inaugural session of the Commission. Those meetings will be held consecutively early next month in our capital.

**Mr. Hahn Myung-jae** (Republic of Korea): At the outset, allow me to express my gratitude to the Secretary-General for his comprehensive and informative report on oceans and the law of the sea (A/59/62). I also thank Mr. Marcos de Almeida of Brazil and Ms. Holly Koehler of the United States for their excellent work in coordinating the two draft resolutions, A/59/L.22 and L.23. In addition, we thank the staff of the Division for Ocean Affairs and the Law of the Sea for their hard work and invaluable assistance to Member States, and also thank Division Director Vladimir Golitsyn.

Today we celebrate the tenth anniversary of the entry into force of the United Nations Convention on the Law of the Sea. With 145 States parties, the Convention continues to solidify its status as the essential constitution for the oceans and the sea. We urge those States that have not yet done so to become party to the Convention at the earliest possible date so that we may achieve the collective goal of universality.

The oceans and the seas are an invaluable resource for humankind's welfare, providing food, mineral resources and a means of trade and transportation. Unfortunately, serious misuse of the oceans and the seas continues to threaten their health. Today, trafficking in weapons of mass destruction, narcotics and even humans through maritime transport is of grave concern to the international community. My Government supports and will actively participate in efforts to maintain peace and security on all the seas of the world.

The Republic of Korea is party to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol. Moreover, we actively participate in the International Maritime Organization's ongoing review of those

instruments as part of its efforts to strengthen the means of combating such unlawful acts, including terrorism at sea. In order to further improve maritime security, we believe that flag States and port States must intensify cooperation to ensure safe navigation, including taking measures to eliminate the persistent prevalence of piracy and armed robbery at sea.

The Republic of Korea welcomes the adoption by the International Maritime Organization of amendments to the 1973 International Convention for the Prevention of Pollution from Ships. The Korean Government is currently implementing measures to ensure protection of the ocean environment, including the establishment of a phase-out scheme for 86 single-hull tankers, 45 of which are used to carry heavy-grade fuel oil. In that regard, we urge flag and port States to take appropriate measures to prevent the operation of sub-standard vessels.

My Government has enacted a law on controlling pollutant discharges to the coast from land-based sources, and we are implementing an across-the-board marine environment policy to improve seawater quality and preserve the ecosystem in the areas within our national jurisdiction.

Furthermore, we are expanding regional collaboration with China, Japan and Russia, among others, through the Northwest Pacific Action Plan and the Partnership in Environmental Management for the Seas of East Asia. The Republic of Korea remains committed to expanding and strengthening its efforts to protect and preserve the marine environment in the region and beyond.

On the global front, the Republic of Korea welcomes the recent progress in the establishment of the Global Marine Assessment. At the same time we underscore that, in the light of the serious degradation of the marine environment, the Global Marine Assessment must exert focused and well-calibrated efforts to take concrete measures under article 200 of the Convention on the Law of the Sea to counter the oceans' physical degradation and pollution.

We also support the International Seabed Authority's work to protect the marine environment, conserve the natural resources of the Area and minimize damage to the flora and fauna that may result from prospecting and exploration for mineral resources in the area.

The Republic of Korea is engaged in various activities at the national, subregional, regional and global levels to uphold and implement the provisions of the Johannesburg Plan of Implementation on sustainable fisheries. Efforts to eliminate illegal, unreported and unregulated fishing are being undertaken with the utmost determination. Moreover, as party to the Compliance Agreement, the Republic of Korea is taking a strong stance on regulating the activities of vessels flying its flag, in order to ensure effective marine conservation and management.

We also note that there is a danger that deep sea bottom-trawling may irreversibly damage the sensitive and delicate deep-sea environment. We underscore the need to improve our understanding and knowledge of the deep sea, especially its biodiversity and ecosystems. In that regard, we would like to point out the need to step up marine scientific research activities regarding deep-sea biodiversity in accordance with the Law of the Sea Convention. We are of the view that the Food and Agriculture Organization (FAO) and relevant regional fisheries management organizations should play the main role in the conservation and the sustainable use of fishery resources and the protection of deep-sea biodiversity. We therefore urge the FAO and other relevant regional fisheries management organizations to seriously take up the issue.

Finally, we welcome the establishment of the Oceans and Coastal Areas Network (UN-Oceans) as a much needed inter-agency coordination mechanism on oceans and coastal issues. We have high hopes that the various United Nations organizations and other international bodies will actively engage in UN-Oceans.

**Mr. Rahman** (Bangladesh): It is a matter of great joy for all of us to be celebrating today, 16 November, the tenth anniversary of the entry into force of the 1982 United Nations Convention on the Law of the Sea. My delegation is pleased to see that the Convention, which is rightly considered to be the constitution of the seas and oceans, has almost achieved universality, with 145 States parties. We also note the successful holding of the fourteenth Meeting of States Parties in June 2004. Therefore now is an opportune moment for us to assess the progress made and to set our future goals.

Bangladesh attaches particular importance to the Convention on the Law of the Sea as the agreed legal framework for all peaceful uses of the seas and oceans.

The Convention defines the limits of territorial waters, national zones and the continental shelf. It also guarantees the freedom of navigation beyond the territorial sea and the right of passage through the territorial sea, international straits and archipelagic waters. We remain committed to full implementation of the Convention.

As the Assembly is aware, Bangladesh is a coastal country inhabited by a nation with seafaring traditions. The sea, therefore, plays a vital role in our lives. There is no denying the fact that the Convention is one of the most significant developments in the evolution of the concept of the exclusive economic zone. The Convention has attributed sovereign rights to the coastal States over the living and non-living resources within the exclusive economic zone in a jurisdictional framework.

As a State party to the Convention, Bangladesh has remained deeply committed to its provisions. Since ratifying the Convention in 2001 we have been taking the necessary measures at the national level to update our legislation in that regard. We will continue to work with others in ensuring a fair share for all of the oceanic resources under the framework of the Convention.

The offshore areas of Bangladesh and our exclusive economic zone are among the richest in the world in terms of biodiversity and energy potential. However, that treasure trove of natural resources is being seriously threatened by increasing pollution, caused both by land-based activities and by ocean-going vessels. Bangladesh is particularly vulnerable to the effects of a major oil spill, which could pollute large areas of the coastline and destroy the livelihood of thousands of inhabitants of the coastal belt. The Convention on the Law of the Sea contains detailed provisions for both the management and control of pollution, as well as for maritime scientific research and environmental protection. Bangladesh calls for enhanced international cooperation for capacity-building in the areas of combating and controlling pollution and promoting environmental protection and coastal management.

We agree with the Secretary-General that the principal objective of an ecosystem-based approach to fisheries management should be directed towards mitigating the impacts of fishing on marine ecosystems while maintaining fishing as a viable economic

activity. Bangladesh considers it important to forge greater international cooperation in long-term conservation, management and sustainable use of marine living resources of the world's oceans and seas. We also remain deeply committed to combating illegal fishing, piracy and other crimes at sea.

The 1982 Convention provides for the exploration and exploitation of the riches of the deep sea beyond the limits of national jurisdiction as the common heritage of humankind. All countries, developed and developing, can benefit from nature's bounty. We hope that the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea will ensure that the benefits derived from the exploration and exploitation of this common heritage of humankind are fairly shared by all.

We believe that the capacity-building of the States parties to the Convention constitutes an essential element, particularly for the developing countries, to enable a more active part in the management and conservation of marine resources. We agree with the Secretary-General's observation that there is an increasing need for capacity-building in developing countries, in particular with respect to the preparation of submissions to the Commission on the Limits of the Continental Shelf.

Bangladesh welcomes the establishment of several trust funds and assistance programmes under the Convention in that regard. Such funds would help the developing countries, including Bangladesh, build their capacity for sustainable exploration and exploitation of marine resources. Technical assistance may take such forms as training on legal issues, assistance in preparation of national submissions regarding delineation of the continental shelf, joint surveys for coastal and seabed mapping and surveys of marine resources.

My delegation thanks the Secretary-General for his report; it is indeed a useful document to chart our future programmes. We would also like to place on record our appreciation for the institutions established by the Convention — the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf.

In conclusion, I would like to reiterate my delegation's hope for our common endeavours towards the betterment of all our peoples through a fair and sustainable exploitation of marine resources.

**Mr. Kupchyshyn (Ukraine):** This year's debate is especially notable as it marks the tenth anniversary of the entry into force of the 1982 United Nations Convention on the Law of the Sea. Ukraine is firmly committed to the Convention, which represents a significant achievement by the international community, as well as important testimony to United Nations efforts to codify and develop international law. Its importance is even more evident today. The Convention has proved to be not only a charter within which all activities related to oceans and seas should be carried out, but also a basis for a comprehensive system of economic and political cooperation in marine-related matters.

As a country actively participating in the international community's efforts to preserve the marine environment and to maintain and manage fish stocks, Ukraine has become a party to the 1995 Fish Stocks Agreement, which ensures the conservation and management of those stocks on the basis of the principle of responsible fishing on the high seas. I would like to take this opportunity to call on other States that have not yet done so to accede to that instrument in order to achieve the broadest possible participation.

My country has continuously attached great importance to the issue of fisheries. Ukraine's legislation on fisheries was developed on the basis of the provisions and principles of the Fish Stocks Agreement, well before Ukraine became a party to the Agreement. Nowadays, further practical steps to implement the provisions of the Fish Stocks Agreement are being taken. They include the adoption of a number of legal documents designed to enhance the role of the State in conducting ocean fishing and increasing the responsibility of vessel owners.

The overexploitation of living marine resources through excess fishing capacities continues to be of concern to the international community. As a geographically disadvantaged country bordering a sea poor in living resources and suffering from the depletion of fish stocks in its exclusive economic zone, Ukraine places special emphasis on the problem of illegal, unregulated and unreported fishing. We strongly believe that all States should apply effective measures for the conservation, management and exploitation of fish stocks in order to protect living marine resources and preserve the marine environment. Better international cooperation is needed in this

sphere, and a crucial role has to be played by the relevant regional organizations, which should further enhance their cooperation with distant-water fishing States and geographically disadvantaged nations.

Ukraine emphasizes the need to ensure effective coordination and cooperation in integrated ocean management, facilitate sustainable fisheries, enhance maritime safety and protect the marine environment from pollution. In that context, we note with satisfaction the ongoing work on the establishment, pursuant to the recommendation of the World Summit on Sustainable Development, of a regular process within the United Nations for global reporting and assessment of the state of the marine environment. We hope that further practical steps will be taken to establish such a regular process.

The institutions established within the framework of the Convention are essential components of the global system for the rule of law and the maintenance of peace and security on the oceans.

We note with satisfaction that the International Seabed Authority, while examining the reports submitted by contractors, continues the elaboration of rules, regulations and procedures to ensure the effective protection of the marine environment and the conservation of the natural resources of the Area. We reaffirm the crucial role of the International Tribunal for the Law of the Sea in the process of the interpretation and the implementation of the 1982 Convention and the Fish Stocks Agreement.

Substantial progress has been made by the Commission on the Limits of the Continental Shelf, which has received its first submissions regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles. At the same time, it is important to provide further assistance to developing countries facing substantial difficulties in the process of preparing such submissions, primarily because of the lack of the necessary technical, scientific and financial resources.

The number of cases of piracy and armed robbery continues to be of major concern to the international community. Such cruel and unlawful acts not only have a negative economic impact on maritime transportation but also constitute a real threat to the lives of crew members. Active measures by States and international and regional organizations are needed to combat and,

more important, to prevent such illegal acts at sea and bring the perpetrators to justice.

The international community should devote more attention to the issue of preventing terrorist acts at sea. In that regard, universal participation in and proper implementation of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and other related instruments are of paramount importance. We also welcome the entry into force of the two optional protocols to the United Nations Convention against Transnational Organized Crime, one concerning the smuggling of migrants and the other on the prevention, suppression and punishment of trafficking in persons.

In conclusion, I would like to underline the importance of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which facilitates the General Assembly's annual review of developments in ocean affairs. I would also like to express our appreciation to the Secretary-General for both the quality and the scope of the reports submitted under this agenda item; they are powerful tools facilitating international cooperation and coordination. The activities of the Division for Ocean Affairs and the Law of the Sea continue to be intensive and thus worthy of our praise.

**Mr. Aranibar Quiroga** (Bolivia) (*spoke in Spanish*): It is an honour for the Bolivian delegation to address the General Assembly on the occasion of the tenth anniversary of the entry into force of the United Nations Convention on the Law of the Sea, an international legal instrument with a universal and unitary character of paramount importance for the sustainable development of oceans and seas.

The Convention was opened for signature on 19 December 1982 at Montego Bay, Jamaica, and its entry into force in 1994 marked a new era for international development. It gave shape to the ideals of more than 150 countries of all regions of the world, which over a period of 14 years focused their efforts on establishing a broad regime for resolving all issues related to the law of the sea, conscious of the fact that problems regarding marine areas are closely linked and must be considered as a whole.

Today we commend the political will expressed by the international community and the participation in such a vitally important instrument by countries with varying levels of socio-economic development,

including coastal, archipelagic, island and landlocked States, as well as States that are geographically disadvantaged with respect to ocean spaces.

Bolivia ratified the United Nations Convention on the Law of the Sea, conscious of that legal instrument's strategic importance for international law and as a basis for cooperation at the national, regional and international levels.

I would like to take this opportunity to explain the unique situation of Bolivia with respect to ocean spaces and the law of the sea. At the present time, and as a consequence of its temporary and forced isolation, Bolivia participates in the group of landlocked countries and supports the Almaty Programme of Action: Addressing the Special Needs of Landlocked Developing Countries within a New Global Framework for Transit Transport Cooperation for Landlocked and Transit Developing Countries.

Moreover, I would like to underline paragraph 57 of the report of the Secretary-General on oceans and the law of the sea, contained in document A/59/62, which states that

"In yet another development that was reported on recently, Bolivia raised the issue of its access to the sea at several major regional and bilateral meetings, in an attempt to start a dialogue regarding the century-old demand by Bolivia for a sovereign outlet to the Pacific Ocean coast."

We welcome the fact that the Secretary-General has referred to Bolivia's claim for a free, useful and sovereign outlet to the Pacific Ocean and request that he continue to provide information on this matter to the General Assembly in subsequent reports.

October was the one hundredth anniversary of the 1904 Treaty. We do not wish to further elaborate on Bolivia's historical and legal rights to the coast of the Pacific Ocean. In that regard, we have distributed to all delegations the Blue Book on the Maritime Claim of Bolivia. Also, an official document of the General Assembly has been distributed under the symbol A/59/445, containing the Declaration on the Centennial of the 1904 Treaty by the Ministry for Foreign Affairs and Worship of Bolivia.

However, it is necessary to recall that as a consequence of the Pacific War, Bolivia lost more than 120,000 square kilometres of its territory, 400

kilometres of the Pacific Ocean coast and enormous mining resources. The war caused Bolivia the loss of its free and sovereign access to the Pacific Ocean and the mutilation of a very important part of its territory, including all the raw materials and natural resources that this territory held, and still holds.

Moreover, we recall for the international community that Bolivia had a coast line and free access to the Pacific Ocean from 1825 to 1879, in other words, during 54 years of its history as a republic. For that reason, on the centennial of the 1904 Treaty, which ended the Pacific War, we firmly assert that the Treaty did not solve what it was intended to solve, since it was imposed by force and the politics of *fait accompli*. The 1904 Treaty meant Bolivia's loss of its free, sovereign and useful access to the sea, and that is why that international agreement has prevented the attainment of a final and satisfactory solution to the problems pending between Bolivia and Chile.

Furthermore, it must be said most clearly that Chile has not complied in a permanent manner with its obligations under the 1904 Treaty. In that respect, it should be mentioned that in circumstances of decisive importance for the history of Bolivia, such as the Chaco War and the national revolution, Chile clearly did not comply with its commitment and obligation of permitting free transit, owing to interests of a different kind.

Presently, the recent privatization of seaports by the Government of Chile is creating a new kind of relationship between Bolivia and private companies. It is creating a relationship different from the kind that should exist between two States that need to enter into dialogue on one of the principle issues of the Treaty: seaports. It should be underlined that in recent months the Government of Bolivia has had strong and important differences with the Government of Chile with respect to fulfilment of obligations under the 1904 Treaty, in particular with respect to the free-transit regime and the privatization of the seaport of Arica.

Considering that the integration of South America is making progress and that Bolivia's request to free maritime access has become a stumbling block in the path of integration, Bolivia reaffirms its willingness to undertake a reasonable, constructive and integrated approach with Chile and reaffirms that it will not alter its demand, as it is founded on deep historical, moral and legal grounds.

In any case, in the spirit of integration that prevails in the new millennium, the Government of Bolivia calls on Chile to resume our bilateral dialogue following the agreement of both countries at the 2000 Algarve meeting and declares its intention to pursue the dialogue initiated by our respective Presidents, in particular at the November 2003 meeting of Heads of State and Heads of Government on the occasion of the thirteenth Ibero-American Summit, which took place in Santa Cruz de la Sierra in Bolivia.

In the process of South American integration, the nations of the Andean Community and MERCOSUR have reached agreements with the goal of moving towards an integrated South American area, which could become a reality sooner than expected. However, the persistence of bilateral conflicts and the lack of a response to Bolivia's maritime claim will delay and weaken the process of regional integration. Bolivia believes its land-locked isolation is a multilateral issue given its geopolitical nature, economic impact and diplomatic consequences.

At the same time, Bolivia stresses that bilateral negotiations with Chile are possible and that it stands ready to make the attempt, while reserving the option of raising and discussing this issue in various forums and international organizations so long as it remains unresolved.

Negotiations with Chile must have a clear orientation and a clear objective, which is, without doubt, the signing of a new treaty that reflects the present situation. If we want to create a new vision for the twenty-first century, it makes no sense to look backwards. On the contrary, we must look forward, seeking a new legal instrument between Chile and Bolivia that truly and really enables peace and friendship between our two peoples.

The Government of Bolivia takes this opportunity to express its willingness to enter into an open dialogue with the Government of Chile, enabling the attainment of an adequate answer and a final solution to the maritime problem.

In conclusion, the Bolivian delegation reaffirms the need to find peaceful solutions to the controversies that continue to exist in the Western hemisphere by acting in a spirit of genuine and rejuvenating multilateralism, aimed at strengthening efforts to enable peace-loving peoples to make progress in their



development on the ever more solid foundations of shared responsibilities and generous solidarity.

**Mr. Aniemena** (Nigeria): I would like to express my delegation's appreciation of the Secretary-General's comprehensive reports, contained in documents A/59/62 and A/59/126, on important developments and issues relating to oceans and the law of the sea, including information on the status of the United Nations Convention on the Law of the Sea and its implementing agreements. It is gratifying to note that today, 16 November 2004, marks the tenth anniversary of the Convention's entry-into-force.

With the number of parties to the Convention now standing at 145 of a total of 195 States, we welcome the remarkable progress in the efforts towards universal accession to the Convention. Indeed, the Convention has proved to be a veritable and crucial legal framework for all issues and activities related to oceans and for the allocation of ocean spaces. As a coastal State, Nigeria reaffirms its unwavering commitment to the Convention and its implementing agreements.

We are greatly encouraged by the international community's desire to establish a Global Marine Assessment process that is truly global and all-inclusive. We believe that the establishment of a new assessment process would go a long way in providing coherent and viable options and measures to deal with the challenges of the successful management of the marine environment and the question of the deteriorating state of the world's oceans and seas and in addressing the socio-economic consequences of the degradation of the marine environment.

Nigeria continues to grapple with the overwhelming challenges of improving the standards of living of its coastal populations by seeking ways to reverse the economic and social setbacks occasioned by adverse environmental impacts. In the light of the transboundary nature of negative environmental impact and the resulting economic and social problems associated with marine degradation, Nigeria strongly supports an assessment that essentially addresses the socio-economic causes and consequences of the distressing conditions of the marine environment.

In the light of the foregoing, Nigeria welcomes the ongoing efforts towards the establishment of a Global Marine Assessment, which is to be a regular, global and comprehensive assessment of the marine

environment, including living marine resources and socio-economic aspects. We note that the draft conclusions of the Global Marine Assessment International Workshop include a recommendation that the General Assembly invite the Secretary-General to establish a task force to initiate and coordinate the next stage of preparatory work necessary to formally establish the Global Marine Assessment. In that regard, my delegation strongly supports the view that the work of the task force should conform to the principles of the Johannesburg Plan of Implementation and the relevant resolutions of the General Assembly, resolutions 57/141 and 58/240.

Concerning the issue of maritime space, Nigeria has indicated that it will present its submission on the limits of its continental shelf before August 2005. We commend the work of the Commission on the Limits of the Continental Shelf, particularly the adoption of a revised set of rules of procedure, which was accomplished on the basis of the practical experience gained by the Commission from receiving and examining its first submission, from the Russian Federation. We believe that the consolidation of all the existing procedural rules into a single basic document will make them easier to understand and will facilitate their application and interpretation by coastal States intending to make a submission. In addition, we welcome the ongoing work on the preparation of a training manual to assist States in acquiring the knowledge and skills necessary to prepare a submission on the outer limits of the continental shelf.

Nigeria also commends the Secretary-General for his detailed report entitled "Sustainable fisheries, including through the 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 Stocks and Highly Migratory Fish Stocks, and related instruments" (A/59/298). We note with appreciation the steps and initiatives taken by the international community to improve the conservation and management of fishery resources and other marine living resources with a view to achieving sustainable fisheries and protecting marine ecosystems and biodiversity.

Nigeria appreciates the need to manage and conserve fish stocks. Commercial fishing constitutes an important factor in ensuring food security programmes, a basic policy of our Government. Consequently, the

conservation and rational use of living resources of the sea and the sustainable development of resources are vital to its success. In that regard, Nigeria notes with interest the positive impact that the 1995 Fish Stocks Agreement has made on the conservation and management of international fisheries and that it has become the standard for best international practice in many States. We believe that the 1995 Fish Stocks Agreement represents a courageous attempt by the international community to protect commercially important species that have been subjected to illegal, unregulated, and unreported (IUU) fishing.

The central role of the regional fisheries management organizations (RFMOs) in the implementation of the relevant fishery instruments cannot be overemphasized. They continue to make invaluable contributions to tackling IUU fishing problems and destructive fishing practices. Nigeria therefore welcomes the progress made thus far by the various RFMOs. Nigeria continues to support cooperation and coordination among the RFMOs to enhance data collection, monitoring and enforcement. We also appreciate the important role of the Food and Agriculture Organization of the United Nations (FAO) in that regard.

Nigeria agrees that IUU fishing in all its forms constitutes the main obstacle to achieving sustainable fisheries, both in areas under national jurisdiction and on the high seas. We recognize the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing as the main international instrument for dealing with this problem, and we welcome the decision of the General Assembly to make the full implementation of that instrument a top priority. We further endorse the recommendations of the FAO technical consultation to tackle the problem, including the recommendation that FAO continue to use funds to assist developing States with the implementation of the International Plan of Action, and the recommendation concerning the need for flag States, at the national level or acting through RFMOs, to adopt measures to prevent the reflagging of vessels to States that do not comply with the Agreement.

Nigeria underlines the importance that the United Nations places on capacity-building for developing States. In the same vein, we welcome the collaboration between the FAO, the World Bank, the New Partnership for Africa's Development and the World Wide Fund for Nature to forge a strategic partnership

for a sustainable fisheries intervention fund in the large ecosystems of sub-Saharan Africa. We believe this move should enhance the use of Global Environment Facility (GEF) funds to implement the World Summit on Sustainable Development targets on poverty reduction and fisheries. We welcome the approval by the GEF of a 15-month project to prepare the relevant partnership brief, which is expected to propose a \$265 million budget over a period of 10 years. It is pertinent to note that the fisheries component of the preparatory meeting for the African Process for the Protection and Development of the Marine and Coastal Environment in Sub-Saharan Africa took place in June 2002.

Finally, the international community must address the continuous damage being done to the marine ecosystem by well-known destructive fishing practices, to supplement regional efforts to put an end to such practices. The precautionary approach and the ecosystem approach should be blended to ensure the sustainable use of marine resources.

**Mr. MacKay** (New Zealand): New Zealand associates itself with the statement by Samoa on behalf of the States of the Pacific Islands Forum, of which New Zealand is a member. We would also like to add a few additional comments on our own behalf.

This year is particularly significant for the issues of oceans and the law of the sea. Our debate marks the tenth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. The continuing relevance of the Convention and its principles as the global foundation document for oceans governance and management was reaffirmed and given modern expression by our leaders at the World Summit on Sustainable Development, held in Johannesburg two years ago. New Zealand welcomed the commitments made in the Johannesburg Plan of Implementation on oceans issues, and continues to urge States to make every effort to ensure that the calls to action contained in that Plan are fulfilled.

In particular, New Zealand is concerned that adverse impacts of fishing activities on vulnerable marine ecosystems continue to occur, and, more worryingly, that reactions by States to address the problem are often too slow and inadequate. New Zealand considers that these issues require urgent interim action.

New Zealand also strongly supports the need to address these issues through appropriate regional

fisheries management structures. Proper geographical coverage of regional fisheries management organizations with the capacity to manage demersal species, updated mandates for organizations to address environmental issues caused by deep-sea fisheries, and the adoption of strong conservation and management measures are three key areas for States to focus their action and attention. For our part — in addition to existing prohibitions and other measures in place in our own exclusive economic zone — New Zealand is already taking the first steps towards the establishment of a new regional fisheries management framework for demersal fisheries in the Tasman Sea area adjacent to New Zealand's waters.

We are pleased with the commitment shown by all States this year to address the impacts of destructive fishing practices and bottom-trawling that have adverse effects on marine ecosystems. Given the urgency of this issue, New Zealand looks forward to the opportunity to check progress on interim measures and on improvements to regional management arrangements next year, at the sixtieth session of the General Assembly. Together, we will need to consider options for ensuring that adequate protection and management is in place for any areas where progress has been insufficient.

New Zealand welcomes the establishment of a new Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. There is no question that the time has now come for States to sit down together and focus in earnest on the question of high seas marine biodiversity, which, as we are all aware, involves a multitude of interests. We must not be deterred by the number and complexity of issues that will arise in the course of this work, nor by the expectation that resolution of them will take time. We hope that the work of the Group will enable key issues to be clearly identified so as to facilitate the direction and scope of any future work. We are ready and willing to use this forum to engage seriously with others to work through the relevant issues of importance so as to enhance protection and preservation of the marine environment.

Proper conservation and management of marine resources and biodiversity requires a fully integrated approach to oceans governance and management. As noted in Samoa's statement on behalf of the Pacific

Islands Forum, we in the Pacific have a regional oceans policy in place as well as an action plan to ensure integrated implementation of our regional policy. In that same vein, New Zealand continues to view the Informal Consultative Process on Oceans and Law of the Sea as a vital opportunity to survey, in an integrated way, important international oceans issues. New Zealand supports the adoption of a renewed mandate for the Informal Consultative Process beyond the sixth meeting of the Process, to be held in June next year.

Finally, we thank the Secretary-General for his report, which is, as always, comprehensive and of great assistance to delegations and to the wider oceans constituency. I should like here to acknowledge, as we have in the past, the very fine work carried out by the Division for Ocean Affairs and the Law of the Sea.

We participated in the consideration of the Secretary-General's report during the Informal Consultative Process earlier this year, which identified key issues of concern. As a co-sponsor, we fully support the reflection of those concerns and the conclusions reached in both resolutions under this item.

**Mr. Nguyen Duy Chien** (Viet Nam): As we celebrate the tenth anniversary of the entry into force of the United Nations Convention on the Law of the Sea (UNCLOS), we would like to express our satisfaction with the positive developments that have occurred in the process of implementing the Convention, such as the rapid increase in UNCLOS membership, the successful establishment and functioning of the three relevant bodies — namely the International Seabed Authority, the International Tribunal for the Law of the Sea, and the Commission on the Limits of the Continental Shelf.

We congratulate the International Seabed Authority on the work it has done during the last decade and support its efforts in the development of a legal regime for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts and in the conservation of biodiversity in the Area. We also commend the work of the International Tribunal for the Law of the Sea and the Commission on the Limits of Continental Shelf. In particular, we appreciate the continuing efforts made by the Commission in assisting States in the preparation of their submissions, by providing any scientific and technical advice that might

be useful, preparing a training manual and an executive summary, and calling for additional political and financial support for the Trust Fund. We will continue to support the work of these three bodies.

The delegation of Viet Nam takes note with appreciation of the outcome of the discussions held during the fifth meeting of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea. We believe that any activity related to the biological diversity of the deep seabed beyond areas of national jurisdiction must be carried out for the benefit of humankind as the whole. In general, we support the meeting's recommendations as submitted to the fifty-ninth session of the General Assembly. We also welcome the decision to establish an Ad Hoc Informal Working Group to survey past and present activities of the United Nations and other relevant international organizations with regard to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, and examine the scientific, technical, economic, legal, environmental, socio-economic and other aspects of those issues. In that context, we would like to lend our support to the view that arrangements relating to new ocean affairs issues should be fair and take into account the interests of developing countries.

Two years ago, the member countries of the Association of South-East Asian Nations (ASEAN) and China signed the Declaration on the Conduct of Parties in the South China Sea — Eastern Sea. As an important step towards building a code of conduct in the South China Sea, the Declaration underlines, among other things, the commitment of the parties to exercising self-restraint in the conduct of activities that could complicate or escalate disputes or affect peace and stability in the region. The recent ASEAN Ministerial Meeting in June 2004 in Jakarta and the Ministerial Conference of the Movement of Non-Aligned Countries in August 2004 in Durban, South Africa, highlighted the significance of the Declaration on the Conduct of Parties in the South China Sea for promoting peace, security and stability in the region.

Viet Nam has had a consistent policy of peaceful settlement of relevant disputes in the spirit of equality, mutual understanding and strict respect for international law, especially the United Nations Convention on the Law of the Sea, and is committed to respect and implement the Declaration. It is up to the other signatories to strictly abide by all provisions of

the Declaration, especially the commitment not to conduct activities that would complicate or endanger the peace and affect peace and stability in the region.

**Mr. Tierney (Australia):** As we reflect today on what has happened in the law of the sea since the entry into force exactly ten years ago of the United Nations Convention on the Law of the Sea, who can fail to be surprised at how far we've come since 1994? Anxiety about whether the Convention would ever gain wider participation has been replaced by sense of security in the status it has achieved as the foundation of States' cooperation in their use of the oceans.

The comprehensive instrument we have today was not always planned to have that character. The process by which it came about was sparked 37 years ago by Ambassador Pardo's address proposing that the deep ocean floor should be the common heritage of all mankind. This concept quickly won universal acceptance, but carried with it the need to define the boundary between the deep ocean floor and the continental shelf under national jurisdiction. Article 76 of the Convention, which sets out the rules for establishing the boundary, is in a sense the seed from which the Convention grew.

It was quickly realized that one facet of the law of the sea had implications for all other facets. As the preamble to the Convention and the resolutions before us state, the problems of ocean space are closely interrelated and need to be considered as a whole. That remains true and it's something we should all bear in mind with the Convention being open for amendment from today. However, most of the piecemeal improvements to the Convention that many of us including Australia would be happy to see, would be equally attainable, in effect, by continuing to refine the way we interpret and apply the Convention.

The recommendations of the fifth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and Law of the Sea are the source of much of the new language in the resolutions before us. That attests once more to the value of the process.

As usual Australia will co-sponsor and vote in favour of both resolutions. We express our thanks to the coordinators, to the Secretariat, whose job seems to get harder every year in line with the resolutions' ever-increasing length, and it is time we lightened their burden. There are plenty of topical problems in the Law of the Sea in general, and fisheries in particular,

that are worthy of our close attention, but their prominence is only obscured by our collective insistence on repeating the same things year after year, as though General Assembly resolutions expired after a year. Is it too much to hope that the combined total this year of 45 preambular and 187 operative paragraphs in the two resolutions represent high-water marks?

Yesterday, Australia submitted to the Commission on the Limits of the Continental Shelf its submission on the outer limit of the shelf beyond 200 miles, the territorial sea baseline. Australia's submission is the third on the Commission's books. We are confident that the Commission will faithfully discharge its functions under article 76. We look forward to working with the Commission in the coming months, as it formulates the recommendations on which our final and binding outer limit will be based.

We are confident that in our case, these recommendations will emerge within a reasonable timeframe. However, we are concerned that, for reasons beyond the Commission's control, this will not necessarily be so for States that come after us. While the Commission only has the space and human resources to deal actively with two submissions at a time, the achievement of certainty about the limits of the areas beyond national jurisdiction and the removal of a clog in the operation of the International Seabed Authority are likely to be an increasingly remote prospect. For this reason, Australia welcomes paragraph 31 of the omnibus resolution. As required by paragraph 10, Australia's submission is without prejudice to a number of existing and outstanding maritime boundary delimitations.

I am pleased to report that one of the outstanding delimitations was recently resolved. Our maritime boundary delimitation agreement with New Zealand was signed in Adelaide on 25 July 2004 and settled what was Australia's longest undelimited maritime boundary. The legal certainty the treaty engenders is an essential step towards the rational exploitation of resources in the parts of the Tasman Sea concerned. As a boundary arrived at by negotiation, it is by definition one that both sides regard as fair and an equitable reflection of their overlapping maritime zone entitlements under the Convention.

Turning to fisheries, Australia welcomes the fact that since our last session the European Community and many of its member States, as well as Kenya, have

become parties to the Fish Stock Agreement. This adds significantly to the gravitational pull the Agreement is exercising on the general international law of fisheries. In Australia's region, we welcome the entry into force of the Honolulu Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. It creates a mechanism for sustainable exploitation of tuna, the one sizeable resource enjoyed by the island States of the Pacific Island Forum. The Commission created by the Convention is due to hold its inaugural meeting next month. It is particularly gratifying that two States with distinct water-fishing interests in the Convention area, China and the Republic of Korea, and one fishing entity with similar interests, Chinese Taipei, have now consented to be bound by the Convention.

The Convention is a breakthrough for another reason, namely, to give practical effect to the fine words we utter each year. We talk a lot about the cautionary approach to fishing in Annex II of the United Nations Fish Stocks Agreement, but neglect article 10 (j), which obliges parties to agree on decision-making procedures that facilitate the timely and effective adoption of conservation management measures. Consensus or objection procedures have often driven all the Commissions to the lowest common denominator. They adopt measures that are too little, too late or they end up completely paralysed. The Honolulu Convention is a serious attempt at implementing article 10 (j) and avoiding paralysis. Instead of providing an objective procedure, the Convention provides for a review procedure. The only grounds for review of measures adopted under the Convention are that the measures are inconsistent with the Convention, the Fish Stocks Agreement or the Honolulu Convention, or that they discriminate in form or in fact against the State concerned.

Australia was surprised that so much of the negotiation of this year's draft resolution on fisheries was devoted to the issue of bottom-trawling. Australia has been a long-standing champion of high-seas biodiversity conservation. We realize that some fishing practices have damaged important biodiversity, and that in some areas this damage is continuing.

Australia is concerned, however, that fishing practices that are not destructive of high-seas biodiversity might also be penalized if we take too broad an approach. The efficacy of the measures we take will in part depend on their ability to differentiate

between genuinely destructive and non-destructive practices, and between those flag States that are prepared to control their nationals' activities and those that are not. Australia will allow its nationals to build a sustainable longline and trawl industry in the waters of the Southern Oceans. At the same time, we will continue to ensure, consistent with paragraph 66 of the fisheries draft resolution (A/59/L.23), that fishing is conducted responsibly and with observer coverage. We will also continue to work hard to improve governance in the high seas more generally.

Australia has long been a proponent of strengthening measures to tackle illegal fishing. We continue to act firmly against unlicensed vessels fishing in Australian waters, whatever their flags. We are pleased to have seen, earlier this month, the adoption of a centralized vessel monitoring system by the Commission for the Conservation of Antarctic Marine Living Resources. No single measure will do more to combat the illegal, unreported and unregulated fishing that has been going on in the Southern Ocean for far too long.

But are we doing all we can to bring uncontrolled fishing to an end? Perhaps treating illegal, unreported and unregulated fishing as a single problem reduced to an acronym — IUU — has outlived its usefulness. After all, such fishing is not one problem but three, each of which requires separate international policy responses. Those responses must be based on flag States' responsibility for the activities of their fishing vessels on the high seas or in other States' exclusive economic zones. Making States accountable for those activities must become a focus of our efforts.

**Mr. Arons** (Palau): Palau agrees and fully associates itself with the statement delivered earlier by the representative of Samoa on behalf of the Pacific Islands Forum group.

Palau took great pride in participating in the discussions over the last month that will shape international law on fishing and the ocean for years to come. The spirit of cooperation and compromise made the discussions fruitful and relevant. It was important to hear not only from the world's largest fishing nations, but also from those smaller States that are affected by the practices of others.

It is regrettable that over the course of the informal discussions much emphasis was placed on how the resolutions would impact the fishing States.

As one looks at the declining state of the world's ecosystems, it is abundantly clear that we have too often repeated the same mistake. Rather than applying the precautionary principle and taking measures to prevent destruction of the environment, we far too often find ourselves trying to solve problems that have already developed destructive and sometimes unstoppable momentum. The failure over the last weeks to adequately address the issue of deep-sea bottom trawling is a stark example of that very phenomenon.

Over the last month and-a-half we had the opportunity to chart a different and better course. Scientists from around the world have called on this body to take urgent action to prevent destruction of the deep seas' magnificent biodiversity — a world of untold beauty and value. The scientific community is just beginning to understand the scope and the vulnerability of the deep sea. It is already clear, however, that seamounts and other deep-sea features are both teeming with unique life and extremely vulnerable. At the same time, we know that a small number of fleets from larger, more developed countries that have depleted their own fisheries are now bottom trawling in international waters. And we know that that method of fishing is ploughing up ancient coral systems and untold scores of endemic species.

For Pacific nations like Palau, protecting the ocean is not of casual interest; it is essential to preserving our way of life. Without fish in the sea, we in the Pacific simply will not survive. Accordingly, we are disappointed that the Open-ended Consultative Process did not recommend that the General Assembly take immediate and effective measures this year to protect the deep sea from destructive fishing practices.

The General Assembly has twice in the past two years emphasized the need for urgent action to manage the risks to marine biodiversity in areas beyond national jurisdiction. In February, this call was echoed by the Seventh Conference of the Parties to the Convention on Biological Diversity. And just last summer, Secretary-General Kofi Annan and United Nations Environment Programme Executive Director Klaus Toepfer made similar calls for action to protect the world's oceans.

In the light of these and other expressions of concern by the international community, Palau believes that the time for action has arrived. We therefore

express our grave disappointment that the draft resolutions currently before the Assembly did not call for an immediate moratorium on bottom trawl fishing in all high seas regions. Untold destruction of the world's most beautiful and biodiverse seabeds will continue until such a moratorium is in place. A moratorium on high-seas bottom trawling would be consistent with this institution's best traditions of global marine stewardship, such as General Assembly resolutions on large-scale pelagic drift-net fishing on the high seas that were adopted by consensus from 1989 to 1991.

Palau will continue to raise the issue of a moratorium on deep-sea bottom trawling at all international forums until the legal infrastructure is in place to deal with that destructive practice.

**Mr. Pawlak** (Poland): At the outset, I would like to thank the Secretary-General for his comprehensive report on oceans and the law of the sea (A/59/62) and for its very informative and up-to-date addendum. Both documents provide us with an excellent overview of developments relating to the implementation of the United Nations Convention on the Law of the Sea and the work of the Organization and other international bodies in the field of ocean affairs.

I wish also to express our appreciation to the coordinators of the draft resolutions before us today, namely, Mr. Marcos de Almeida of Brazil, Ms. Jennifer McIver of New Zealand and Ms. Holly Koehler of the United States. Poland is pleased to co-sponsor both draft resolutions. In addition, I would also like to thank the Division for Ocean Affairs and the Law of the Sea, headed by its new Director, Mr. Vladimir Golitsyn, for the support they have provided.

My delegation wishes to associate fully itself with the statement made by the representative of the Netherlands today on behalf of the European Union. We would like, nevertheless, to provide some additional information on issues under consideration related to Poland's activities.

It is my great honour to deliver this statement today on 16 November, which marks the tenth anniversary of the entry into force of the 1982 United Nations Convention on the Law of the Sea. During the past decade, despite numerous obstacles and challenges, the Convention, as a unique international legal instrument, contributed greatly to cooperation in maritime affairs and strengthened the enforcement of

law in a balanced and harmonious way. I would like to take this opportunity to appeal to States which have not yet done so to accede to the Convention with the aim of ensuring its universality and enabling the Convention to attain its full potential.

Since international affairs are increasingly influenced by international judiciary institutions, my delegation would like to commend the International Tribunal for the Law of the Sea on its active role in solving inter-State disputes, thus contributing to the affirmation of the rule of law in maritime affairs. The Tribunal's internal judicial practices and guidelines for the preparation and submission of cases before it were well presented by Mr. Dolliver Nelson, President of the Tribunal, as well as by Mr. Philippe Gautier, the Registrar, during the last two Meetings of States Parties.

The sections of the report of the Secretary-General (A/59/62 and Add.1) that deals with the protection and preservation of the marine environment have provided a comprehensive understanding of the degradation of coastal and marine environments caused by pollution from sewage, persistent organic substances, radioactive materials and oil, as well as pollution from vessels and oil spills.

The Polish delegation is very concerned by the fact that the degradation of coastal and marine environments has not decreased in the last year but in fact has intensified. We must do everything in our power to stop that process, which has an unprecedented impact on human health, food security and safety. We believe that one of the more efficient ways of preventing the further degradation of the marine environment is through regional cooperation among States.

Poland fully supports the activities of the Baltic Marine Environment Protection Commission and the recommendations adopted during its 25th meeting in Helsinki, in March 2004, on measures to reduce discharges from freshwater and marine fish farming, and on assessment of the need for escort towing in tanker transport routes to prevent accidents in the Baltic Sea area, new oil filtering technologies on board ships and guidelines for the safety of winter navigation in the Baltic Sea.

My Government is fully committed to improvement of the state of the marine environment in the Baltic Sea. In fact, on 9 October 2003, the Polish

Council of Ministers adopted an ordinance on the expansion of the act of 1995 concerning the prevention of marine pollution by ships. That ordinance criminalized marine pollution by navy, coastguard and police vessels.

Poland is also committed to the protection and preservation of the marine biodiversity of the oceans in areas of national jurisdiction and beyond the limits of national jurisdiction. We therefore highly appreciate the decision to establish an ad hoc open-ended informal working group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. We support that timely initiative and are willing to cooperate with other delegations and institutions on that issue.

Taking into account the fact that shipping carries more than 90 per cent of world trade, Poland believes that safety of navigation is of crucial importance to the international community. In that respect we recall the decision of the European Parliament of 6 November 2003 to set up a temporary committee on improving safety at sea and its subsequent resolution on this issue adopted on 20 April 2004.

Poland supports the establishment of a European coastguard service equipped with the necessary competence and instruments to ensure maritime safety and protection of the maritime environment, strict monitoring of adherence to certain shipping routes, prosecution of the illegal entry of vessels and coordination of measures in the event of an accident at sea.

We welcome the approval of the amendments — proposed by the International Maritime Organization's Maritime Safety Committee — to Chapter XII of the International Convention for the Safety of Life at Sea aimed at introducing new provisions relating to double-hull construction for new bulk carriers of 150 metres in length and over as an optional alternative to single-side construction. We look forward to the adoption of those amendments during the session of the International Maritime Organization scheduled for next month. We would, however, like to stress that more attention should be devoted to the maintenance and condition of vessels, since a poorly maintained double-hulled tanker represents a greater potential hazard than a well maintained single-hulled tanker.

Poland is encouraged by the fact that since the *Prestige* disaster of November 2002 we are fortunate not to have witnessed a tragedy of a similar scale in Europe. However, we are concerned by the disaster involving the freighter *Rocknes* off the coast of Norway, which occurred last January and caused the deaths of 18 people.

With respect to maritime security and crimes at sea, my delegation is pleased to acknowledge the entry into force on 1 July 2004 of the International Ship and Port Facility Security Code and related amendments to the Convention for the Safety of Life at Sea. We are encouraged by the steadily rising number of ships and port facilities that have had their port security plans approved.

Poland supports the criminalization of the maritime transport of weapons of mass destruction, their means of delivery and related materials in the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. We are fully committed to the Proliferation Security Initiative, which is an important tool in responding to the growing challenge posed by the proliferation of weapons of mass destruction.

We believe that serious consideration should be given to proposals to include the transport of nuclear, chemical and biological weapons in the list of offences. We continue to be deeply concerned about the increase in the number of reported acts of piracy and armed robbery. We support the conclusion of regional agreements aimed at combating those crimes, including efforts against terrorism, and enhancing cooperation at regional levels.

With respect to the fisheries draft resolution (A/58/L.23), Poland is pleased that a significant amount of emphasis was given to cooperation to combat illegal, unreported and unregulated fishing. We are deeply concerned by the continued deterioration of marine fish stocks worldwide. The situation is alarming, since almost half the major fish stocks are now fully exploited and another 25 per cent are overexploited or significantly depleted.

In that regard, my delegation is pleased to recall that on 19 February 2004, the Polish parliament adopted a fisheries act that constitutes a significant step forward in its domestic legislation aimed at rationalizing and regulating activities related to fishing. In addition, the Government of the Republic of Poland



is currently in the final stage of acceding to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. We hope that the effective implementation of those legal instruments will bring us one step closer to preventing the further deterioration of fish stocks and enhancing the protection of the marine ecosystems and of biodiversity.

In conclusion, I am pleased to inform the General Assembly that my Government is currently in the process of acceding to the Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea and to the Protocol on the Privileges and Immunities of the International Seabed Authority.

**Mr. Paolillo** (Uruguay) (*spoke in Spanish*): I wish to add a few brief comments to what was said by the representative of Chile, who spoke on behalf of a group of countries to which Uruguay belongs.

Every year, my delegation awaits with a certain anxiety the reports of the Secretary-General on the oceans and the law of the sea. This is because year after year we hope that we will be told that the progressive deterioration of the marine environment has been checked and that the state of the oceans in general and of their resources has improved.

Regrettably, this year — as on previous occasions — that hope has been frustrated. Clearly, the reports before us (A/59/62 and Add.1, A/59/63 and A/59/126) provide abundant data on measures adopted and activities undertaken to face the threats that loom over the oceanic space. Legislation and regulations as well as cooperative actions carried out by global and regional institutions have always occupied a large part of the Secretary-General's reports, and they do so in the reports submitted during the present session.

Those reports describe new international regulations and measures adopted recently in various areas of the law of the sea — such as prevention and suppression of crime at sea, security in international maritime transport and protection of the marine environment. Furthermore, we welcome the existence of a network of programmes, plans of action and institutions that have undertaken vigorous regional cooperation activities aimed at protecting the marine environment in 18 marine and coastal regions. It is therefore clear that in the 10 years since the entry into

force of the United Nations Convention on the Law of the Sea, States and international institutions have focused on the task of strengthening the international oceans regime established by the Convention.

However, and despite such activity in the spheres of regulation and cooperation, the reality presents a discouraging picture. The degradation of the coastal and marine environments has intensified. The threat posed to the health of the oceans by the past and present dumping of hazardous substances into the sea and by the ecologically irresponsible scrapping of ships continues unabated. In certain regions of the world, there is a constant risk of hydrocarbon pollution. The general situation of all marine fish populations about which information is available continues to deteriorate because of overfishing, illegal, unregulated and unreported fishing and unsustainable fishing practices. The number of cases of piracy, robbery, kidnapping and other acts of violence committed in the marine space continues to increase in some regions of the world, and the trafficking of immigrants and drugs continues to be a threat to security.

Those trends persist, but not because of a lack of warnings or regulations. The reports leave no room for doubt as to the cause of the growing deterioration and depletion of the marine space. That cause is rooted in the indifferent or negligent behaviour of States that do not adopt the policies, regulations and measures that they have pledged to adopt or, if they adopt them, do not implement them or act in a manner that is incompatible with or in open violation of internationally undertaken commitments.

At the opening of the current session of the General Assembly, Secretary-General Kofi Annan reported how the rule of law is currently being breached throughout the world and how ignoring and violating the fundamental laws of international coexistence threaten peace and security. Unfortunately, such breaching of the rule of law manifests itself in many areas of international cooperation and is persistent and widespread in some sectors of the law of the sea.

We understand that the best way to celebrate the tenth anniversary of the Convention's entry into force is to comply with it and with the many subsequent instruments that we have accepted to ensure its implementation. We must recall that — as the Secretary-General said concerning the rule of law —

the existence of the Convention as a mere concept is not enough; the Convention must be respected and complied with, and it must pervade all State activities in the ocean environment. Let us also recall that the basic message of the report in document A/59/62 is expressed in its final paragraph, paragraph 307. It consists of an appeal to all States to fully implement the provisions of the Convention, in their legislation, in their administrations and in their daily practice.

Moreover, in operative paragraph 4 of draft resolution A/59/L.22, States are requested to harmonize their national legislation with the Convention's provisions and to ensure the consistent application of those provisions. That portion of the text, through its annual repetition, has become a routine formula to which no one pays attention. However, in our opinion, it continues to be the most important appeal in this increasingly long resolution.

The increase in human activity in the deepest ocean areas, made possible by technological development — particularly the capture of deep-water species — has caused growing alarm in the international community, because such activity has serious negative effects on the particularly vulnerable habitats of those species.

Uruguay welcomes the importance being accorded by international forums to the issue of conserving and classifying the biological diversity of the seabed beyond national jurisdiction. That vast reserve of compounds, materials and organisms located in the ocean depths offers the promise of great economic, scientific and environmental resources, but the exploitation of those resources is being carried out in a disorderly and ecologically irresponsible manner. Fishing activities, the mining of the seabed, bio-prospecting and even scientific research are all activities that threaten the integrity of the ecosystems located in areas beyond national jurisdiction. This problem must become a priority item on the international agenda so that we can examine it in depth, adopting an integral and multidisciplinary approach.

We therefore enthusiastically support the references in paragraphs 67 to 76 of draft resolution A/59/L.22 on the need to adopt measures to monitor the threats to biological diversity in the seabed and to tackle certain destructive practices. We welcome the decision to establish an ad hoc open-ended informal

working group, which would be responsible for studying the problems of conservation and the sustainable use of marine biodiversity.

The International Seabed Authority — which in its first 10 years of existence and under the leadership of Mr. Satya Nandan successfully completed the preparatory phase of its tasks — is called upon to play an important role in formulating a strategy to protect the biodiversity of the international zone. In formulating as soon as possible the draft regulation for the prospecting and exploration of polymetallic sulphides and ferromanganese crusts, the Authority can contribute substantially to the protection of the zone's vulnerable ecosystems by adopting appropriate rules.

Uruguay continues to be concerned with the fact that after having proved the destructive effects of bottom-trawling fishing nets, we have not yet been able to agree on adopting effective measures to put an end to — or at least limit — this practice, which causes irreversible damage to the marine environment. In that respect, we find the content of paragraph 66 of the draft resolution on sustainable fishing to be disappointing.

I would like to highlight the importance of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which held its fifth meeting this year. The fact that this forum is focusing its deliberations on a limited number of topics preselected by the General Assembly, with the valuable participation of experts, ensures an enriching exchange of ideas and information and a dissemination of knowledge regarding the ocean space that is indispensable to the adoption of appropriate policies and regulations.

Finally, in celebrating the tenth anniversary of the entry into force of the United Nations Convention on the Law of the Sea, we think it is also necessary to celebrate the successful functioning of the institutions that the Convention created: the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf, as well as the productive and efficient work of the Division for Ocean Affairs and the Law of the Sea. We extend our thanks to the authorities and the personnel of those institutions.

**The Acting President:** We have now heard the last speaker on our list on sub-items (a) and (b) for this

meeting. We will continue this debate at 10 a.m. tomorrow.

One representative has asked to speak in exercise of the right of reply. May I remind members that statements in the exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second intervention and should be made by delegations from their seats. I call upon the representative of Chile.

**Mr. Maquieira** (Chile) (*spoke in Spanish*): In the debate this afternoon, the representative of Bolivia made a statement in which he referred to my country and to the Treaty of Peace and Friendship, which has governed our two countries' relations since 1904. In presenting his perception of the Treaty he made a series of misleading statements that I feel obliged to correct.

First, the peace treaty between both countries was freely examined, negotiated and concluded. The Bolivian Government contributed substantive initiatives and proposals regarding the Treaty, as noted in the documents that describe the negotiations. The Treaty of Peace and Friendship of 1904 was approved by a broad majority of the congresses of both countries at a time of economic progress and constitutional normality in Chile and Bolivia. All its clauses, despite what was stated here today by the representative of Bolivia, have been completely respected. This has led to relations of good neighbourliness and the establishment of mechanisms for permanent bilateral consultations and cooperation in various areas.

This Treaty guarantees a legal framework freely agreed upon and fully implemented by our countries and a regime of free transit and access to and from the sea for Bolivia in all circumstances. My country fulfils and will continue to fulfil that obligation so that this access remains full and permanent. Free transit is a practical and daily reality between both countries. Under this regime goods, vehicles, trucks and railways, as well as an oil pipeline, pass to and from the ports of Arica and Antofagasto at all times and in all circumstances. The Bolivian Government fulfils its responsibilities in a regular manner and with no obstacles whatsoever, in accordance with existing agreements. The Chile-Bolivia border-crossing is speedy and efficient and has been hailed by impartial parties, including the United Nations, as a useful and

constructive example for other border crossings in the region.

In this context, it is important to reiterate my country's firm and unwavering support for the principles and the validity of international treaties, as well as its compliance with the agreed provisions. I would like to state that this is not a multilateral topic and to reiterate that my country has declared on many occasions its willingness to have a dialogue with Bolivia and has repeatedly proposed the restoration of diplomatic relations. In that respect, we await Bolivia's decision to move towards dealing with issues of mutual interest in accordance with the principles of bilateral relations.

**Mr. Aranibar Quiroga** (Bolivia) (*spoke in Spanish*): After listening to the statement by the representative of Chile — which expresses a position often repeated by Chile, since it reiterates that the treaty between Bolivia and Chile regulates a normal situation — I must once again refer to facts that are conclusive in that they demonstrate that what the treaty tried to resolve was not resolved. This is true not only with regard to my country, for reasons that I have stated and that are repeated with increasing insistence in a public outcry to find a free, useful and sovereign outlet to the sea. There are also increasingly repeated, evident and unconcealable statements by the citizens of our sister country Chile that the treaty signed with Bolivia needs to be updated to reflect new realities and must allow for Bolivia's useful, free and sovereign access to the Pacific Ocean.

These are facts that are well known in the public opinion of both countries. It is equally well known that if this treaty had resolved what it should have, it would not have led to negotiations on more than five occasions in the last century — in 1920, 1926, 1950, 1975 and 1987 — aimed precisely at resolving what this treaty did not resolve.

In that respect, we have to say again that the persistence of bilateral conflicts and the lack of maritime access will prevent regional integration. Bolivia considers that its landlocked situation is a multilateral problem because of its geopolitical effect, economic impact and the diplomacy involved. But Bolivia declares that a bilateral negotiation with Chile is possible, and it is prepared to undertake it. Until that is done, Bolivia will continue to discuss the matter in international forums.

Negotiations with Chile should have a clear objective, and that is the signing of a new treaty that addresses the present issue. If we wish to have a vision of the twenty-first century we should not look backwards, but rather we must look ahead, seeking the negotiation of a new legal instrument between Chile and Bolivia that truly and genuinely will allow us to achieve peace and friendship between our peoples.

**Mr. Maquieira** (Chile) (*spoke in Spanish*): I do not wish to prolong this meeting unduly, therefore I will simply confine myself to once again stating what my delegation has reiterated, which is that between

Chile and Bolivia there is no type of territorial problem.

#### **Programme of work**

**The Acting President:** I would like to inform Members that, at the request of the sponsor, consideration of agenda item 161, entitled “Andean Zone of Peace”, originally scheduled for Thursday afternoon, 18 November 2004, is postponed to Thursday afternoon, 2 December 2004, after the consideration of the reports of the Sixth Committee.

*The meeting rose at 6.05 p.m.*