



General Assembly

Sixty-third session

63rd plenary meeting

Thursday, 4 December 2008, 3 p.m.
New York

Official Records

President: Mr. D'Escoto Brockmann (Nicaragua)

*In the absence of the President, Mr. Siles Alvarado
(Bolivia), Vice-President, took the Chair.*

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

Agenda item 70 (continued)

Oceans and the law of the sea

(a) Oceans and the law of the sea

Reports of the Secretary-General (A/63/63 and Add.1)

Report of the 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 (A/63/79 and Corr.1)

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its ninth meeting (A/63/174 and Corr.1)

Study prepared by the Secretariat (A/63/342)

Draft resolution (A/63/L.42)

(b) Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Report of the Secretary-General (A/63/128)

Draft resolution (A/63/L.43)

Mrs. Cabello de Daboin (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The Bolivarian Republic of Venezuela wishes to speak on agenda item 70, "Oceans and the law of the sea", including its sub-items (a), "Oceans and the law of the sea", and (b), "Sustainable fisheries".

My delegation attaches special importance to the issue of oceans and the law of the sea, which is a matter of priority in our State policy owing to, inter alia, our geographic position. It is characterized by a long maritime border that is managed according to criteria and principles for the conservation and sustainable use of marine resources, set out in our national laws and in accordance with international law.

Accordingly, the Bolivarian Republic of Venezuela participated actively in the 2008 international agenda related to the oceans and the law of the sea, continuing with the work that had been done by the Ad Hoc Working Group studying the matter relating to the preservation and sustainable use of marine biological diversity beyond national jurisdiction. The Working Group met from 24 April to 2 May 2008. On this matter, among the conclusions in the summary of the co-Chairs two aspects draw the attention of my delegation.

The first relates to the existing inadequacies in implementation of the international legal framework governing management and preservation of the living

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resources of the sea beyond national jurisdiction. In the view of our delegation, this forum should take a decision that covers all of the conventions related to this issue, including the Convention on Biological Diversity. In this regard, the Bolivarian Republic of Venezuela cannot agree that management of these resources is determined by one exclusive legal regime. The second aspect relates to the need to carry out research for the purpose of acquiring greater scientific certainty to guide the international community towards the best decisions.

The 1982 United Nations Convention on the Law of the Sea does not cover — either in its text or in its supplementary agreements — all the issues relating to the subject of the oceans and the seas that the international community has to face today. Accordingly, the Bolivarian Republic of Venezuela maintains that other international instruments also play key roles in dealing with marine biological diversity beyond national jurisdiction, for example, decision IX/20 of the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity, a meeting that was held between 19 and 30 May 2008 in Bonn, Germany.

With respect to the Open-ended Informal Consultative Process on the Oceans and the Law of the Sea, my delegation wishes to highlight the need for this Assembly to review the mandate and methodology of the consultations so as to adapt them to the original purpose for which that body was established by the Commission on Sustainable Development, as expressed in resolution 54/33 of 24 November 1999. We believe that the Consultative Process should continue, for it is the only universal forum where States can resolve the compatibility issues between sustainable development and the oceans and seas.

In this regard, the Bolivarian Republic of Venezuela is concerned by the general trend in the Consultative Process this year to include issues that go beyond its mandate, such as international crime, drug trafficking, trafficking in persons and terrorism, while leaving aside the consideration of matters relating to the sustainable development of the oceans.

Regarding the draft resolution entitled “Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and

Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments” (A/63/L.43), the delegation of the Bolivarian Republic of Venezuela would like to emphasize that this matter is a priority for our country. We have undertaken major initiatives to promote and implement programmes to ensure the preservation, protection and orderly management of living resources of the sea. For example, we have enacted the new fishing and aquaculture law of 14 May 2008, which prohibits drift-net fishing and declares that small-scale drift-net fishing should be gradually replaced by other methods of fishing in order to ensure sustainable development of the living resources of the sea and the environment.

The law also provides for broad participation by our people in fishing, considering several mechanisms for ensuring participation and oversight, such as the Socialist Institute of Fishing and Aquaculture, which, as a management body, has to submit to the public any proposals it has for technical rules for managing fishing, aquaculture and related activities before those proposals are submitted to the governing body.

Pursuant to the law on fishing and aquaculture, the Bolivarian Republic of Venezuela has taken steps to harmonize the criteria applicable to fisheries and aquaculture with other countries in the region, particularly with respect to highly migratory fish stocks and living resources that are in the maritime areas under our jurisdiction or sovereignty as well as in adjacent areas.

At the international level, the Bolivarian Republic of Venezuela has applied the principles of the Code of Conduct for Responsible Fisheries and of chapter 18 of Agenda 21, adopted at the United Nations Conference on Environment and Development, held in Rio de Janeiro in 1992. We have also participated actively in regional organizations dealing with fisheries, for example, the Food and Agriculture Organization’s Committee on Fisheries and its subsidiary bodies, the West Central Atlantic Fishery Commission, the Latin American Organization for Fisheries Development, the Commission for Inland Fisheries of Latin America, the International Commission for the Conservation of Atlantic Tunas and the Inter-American Tropical Tuna Commission.

On the matter of illegal, unreported and unregulated fishing, the Bolivarian Republic of Venezuela has taken the necessary steps to deal with

the situation, ensuring ongoing reporting of the location and lawfulness of fishing vessels flying the Venezuelan flag on the high seas which they communicate to the regional fisheries organizations of which they are members. Our Venezuelan laws also provide for satellite positioning equipment on all fishing vessels larger than 10 tons of gross tonnage.

It is important to stress that the Bolivarian Republic of Venezuela is not party to the United Nations Convention on the Law of the Sea, including the 10 December 1982 Agreement for the Implementation of the Provisions of the Convention Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Thus, the provisions in those international instruments do not apply to us under customary international law except insofar as the Bolivarian Republic of Venezuela has explicitly recognized or may in the future recognize them by incorporating them into our national legislation, since the reasons that prevented us from adopting these instruments still exist.

Lastly, we would like to thank the coordinators of the various working groups and to say that we stand ready to cooperate fully with multilateral efforts to promote the sustainable development of seas and oceans. Accordingly, we call for the application of an international legal framework covering all regional agreements and global agreements regulating the conservation and sustainable use of marine resources.

Mr. Argüello (Argentina) (*spoke in Spanish*): The United Nations Convention on the Law of the Sea is one of the international instruments with major economic, strategic and political implications. Its provisions constitute a delicate balance of rights and duties of States which emerged after nine years of negotiations and as such it must be preserved by all States individually and as members of international organizations with competence in ocean affairs and other organizations, as the purpose of the negotiators of this true constitution for the oceans was to settle all issues relating to the law of the sea.

The Argentine delegation will make an explanation of vote regarding the draft resolution on sustainable fisheries that will be adopted by consensus today (A/63/L.43). That notwithstanding, my delegation will refer to some issues dealt with in that

draft resolution as well as in other draft resolutions on oceans and the law of the sea.

The question of biodiversity beyond the limits of national jurisdiction is one of the new emerging issues in the law of the sea as it stands today. During the last few years, after the emergence of the issue, the ambiguous expression “areas beyond national jurisdiction” has been in use. Nevertheless, Argentina would like to recall that even in the Ad Hoc Open-ended Informal Working Group established by resolution 59/24, there has been debate, one that is clearly not yet finished, on the legal regime applicable under the Convention to marine genetic resources in areas beyond national jurisdiction.

It is for this reason that my country reminds Member States that the question of the legal regime should, according to paragraph 122 of the draft resolution on oceans and the law of the sea (A/63/L.42), be dealt with in the context of the mandate of the Ad Hoc Open-ended Informal Working Group in order to make progress.

In this context, Argentina calls on Member States to duly take into account in this work that one of the objectives of the Convention was to develop

“... the principles embodied in resolution 2749 (XXV) of 17 December 1970 in which the General Assembly of the United Nations solemnly declared inter alia that the area of the seabed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as its resources, are the common heritage of mankind, the exploration and exploitation of which shall be carried out for the benefit of mankind as a whole ...” (UNCLOS, Preamble, sixth paragraph).

With respect to the establishment of protected marine areas, it must be taken into account that beyond the powers of the International Seabed Authority, regarding the area in accordance with Part XI of the Convention, in particular article 145, it has not yet been determined which entity would be authorized to establish protected marine areas beyond national jurisdiction. The answer to this question is fundamental, and Argentina does not believe that it is to be found in the regional fisheries management organizations, as they do not represent the interests of the international community as a whole.

Regarding another subject dealt with in the Secretary-General's report (A/63/63), Argentina also wishes to refer to Chapter V, dealing with a range of issues considered at the ninth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, in which illegal, unreported and unregulated fishing is discussed under threats to maritime security. Argentina has objected to such treatment at the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea and now reiterates that objection.

Although the seriousness of the problem posed by such fishing practices cannot be ignored, they cannot be assimilated to serious illicit acts that call for protective measures and surveillance of the seas, such as piracy and trafficking in persons. Even less so, if, as a result of such assimilation, the intention is to apply measures appropriate to maritime security or to combating transnational organized crime to such illegal fishing practices.

Fortunately, this perspective is shared by several delegations, and the relevant paragraph in the draft resolution on sustainable fisheries (A/63/L.43), and I am referring to paragraph 59 here, clearly distinguishes, therefore, between the international legal regime applicable to illegal fishing and the one applicable to illicit acts constituting international organized crime. The same distinction applies to the remedies provided under international law for these problems, which are essentially different and cannot be assimilated.

Another aspect of the report we would like to refer to is paragraph 145, according to which the General Assembly had repeatedly called on States to strengthen cooperation by establishing organizations or regional agreements on fishing regulation in currently unregulated areas of the high seas. Apart from the fact that this paragraph does not contain any reference to a resolution of the General Assembly as its basis, Argentina reiterates, once more, that such an alleged objective does not derive from any provision of the Convention or of international law now in force.

It also reiterates that the establishment of such organizations in areas of the high seas is not in itself an objective, nor is it the only means for the adoption of conservation measures in the high seas. This reality is reflected in the draft resolution we are about to adopt.

In relation to the sedentary resources of the continental shelf, Argentina believes it unnecessary to remind States that they are subject to the sovereignty rights of the coastal States over the whole extension of such maritime areas. Therefore, conservation and management of such resources are under the exclusive authority of coastal States, which have the responsibility of adopting the necessary measures regarding those resources and their associated ecosystems that could be affected by destructive fishing practices, including the use of bottom trawling in the high seas.

For this reason, Argentina is taking the necessary steps to adopt such measures for the conservation of the sedentary resources of the whole extension of its continental shelf and calls on other coastal States to act with the same responsibility.

The implementation of conservation measures recommended by the resolutions of the General Assembly is based on the indispensable legal framework of the international law of the sea in force, as reflected in the Convention. Thus, it is inconceivable that compliance with such resolutions be adduced as a justification to deny or ignore rights set forth in the Convention.

That notwithstanding, Argentina considered it to be appropriate, at this moment, to urge the inclusion of paragraph 104 of the draft resolution on sustainable fisheries so as to prevent any interpretation seeking to ignore the exclusive nature of the rights of coastal States over the areas of their continental shelf situated beyond the 200-mile limit. Argentina is of the view that, if the text adopted this year is not strong enough to achieve that objective, the issue should be dealt with in more detail next year, when it will be necessary to make every effort to continue to adopt the fisheries resolution by consensus.

Argentina associates itself with the States that have expressed regret that the two States that had held consultations on a draft paragraph 71 bis for the resolution on oceans and the law of the sea have not reached agreement on the question of transit passage in straits used for international navigation. We call upon all States interested in navigation through the Torres Strait to seek agreement on the matter in other competent forums, such as the International Maritime Organization, as well as in the context of the next resolution that the General Assembly will adopt.

As regards the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, created nine years ago, Argentina, jointly with the G77 and China, has proposed the revision of its mandate. Such an initiative is due to the need to realign the Process with its original mandate, which was closely related to sustainable development and, therefore, with the needs of developing countries.

In this context and with a view to the revision of the Consultative Process, Argentina wishes to stress that the major gap in the implementation of the Convention relates to Part XIV entitled "Development and Transfer of Marine Technology". The revision of the mandate of the Open-ended Informal Consultative Process will also provide an opportunity to examine procedural aspects that can be improved.

The evolution of the Consultative Process into a forum with a double nature, namely, information and negotiation, has resulted in the inadequate delivery of both. Therefore, a re-examination of the objectives of the Consultative Process is due taking into account that a forum for the negotiation and search for consensus on the adoption of texts of resolutions on sustainable fisheries and oceans and the law of the sea already exists.

Finally, as in every year on the occasion of our consideration of the report of the Secretary-General on oceans and the law of the sea, Argentina would like to express its recognition to the team of the Division for Ocean Affairs and the Law of the Sea for its professional and devoted work and for the assistance that it continuously provides to Member States in the matters under its competence. We would also like to thank the two coordinators, the representatives of Brazil and the United States, for their work on both draft resolutions. We cannot end our statement without thanking Ambassador Satya N. Nandan for his years of devoted efforts in the establishment and work of the International Seabed Authority.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): The twenty-first century has been called the century of oceans and seas. With 2008 coming to an end, the consideration by the General Assembly of the agenda item on oceans and the law of the sea carries special significance. We should, first and foremost, ponder the right kind of conceptual framework for this new century of oceans and seas.

At present, the term "common development" is becoming a major theme for the international community. As we enter the century of oceans and seas, we should also work to turn oceans and seas into a driving force for the common development of humanity, so that the ship of human civilization can keep cruising forward.

Last year, from this rostrum, China put forward the idea of establishing a harmonious order for oceans. This idea is the result of in-depth reflection by the Chinese delegation on the various issues concerning ocean affairs and the law of the sea. We believe that the fundamental purpose of establishing a harmonious order is for the oceans to always benefit humanity and humanity to reciprocate in a sustainable way. It should become our common mission to make the oceans work for the welfare of everyone and to rally all of humanity to contribute to the conservation of oceans.

We advocate a harmonious order for oceans that, on the basis of science and the rule of law, would harmonize the relations between humanity and the ocean, balance utilization with conservation, integrate open access with regulation and management and ensure fair treatment for both those with long experience in oceans related concerns and newcomers. The international community should strengthen cooperation, intensify research and expand participation.

The guiding principles in maintaining maritime freedom and strengthening ocean management should always be to maintain fairness and open access; proceed on the basis of science and reason; and ensure mutual benefit and positive results. This concept has been embodied in the positions and views of the Chinese delegation on the draft resolutions concerning oceans and the law of the sea submitted to the General Assembly this year. Here, I would like to thank the two coordinators responsible for elaborating these drafts, Ambassador Valle and Ms. Holly Koehler.

The Government of China attaches great importance to the work of the Commission on the Limits of the Continental Shelf and welcomes decision 183, adopted by the eighteenth Meeting of States Parties to the United Nations Convention on the Law of the Sea. This decision concerns arrangements that are in line with the spirit of the Convention and accommodates the concerns of developing countries to some extent while appropriately reducing the workload

of the Commission. As such, it will assist the Commission in considering the submissions by various countries relating to the outer limits of their continental shelves in a serious, scientific and accurate manner. The Chinese delegation supports those arrangements being fully reflected in this year's Assembly draft resolution on oceans and the law of the sea.

China is currently engaged in research on the delineation of the outer limits of its continental shelf beyond 200 nautical miles and has been following closely the consideration by the Commission of submissions by other countries. We believe that it is right and timely to make public the summaries of the Commission's decisions on the various submissions.

While the establishment of the outer limits of the continental shelf beyond 200 nautical miles is the right of coastal States under international law, it also involves the overall common interest in the international seabed Area. The Chinese delegation has always maintained that the division of rights and interests in areas within and beyond national jurisdiction should be carried out in a scientific and reasonable manner, so as to enable coastal States to fully exercise their sovereign rights and jurisdictions over the continental shelves, which constitute a natural prolongation of their land territories, on the one hand, and, on the other, prevent the extension of the outer limits of the continental shelf beyond 200 nautical miles from encroaching on the international seabed Area that is the common heritage of mankind.

Therefore, the work of the Commission on the Limits of the Continental Shelf and the results it achieves are of great significance and deserve the attention of all countries and relevant international organizations. Since the Commission's workload is expected to grow sharply in the coming year, we call upon all concerned to endeavour, through common efforts and active participation, to ensure that the Commission's work continues in a sound and orderly manner, with a view to achieving results that are not only in the overall interests of the international community but can also stand the test of time.

The Chinese delegation would like to congratulate the International Seabed Authority on its accomplishments during the past year and pay tribute to its Secretary-General, Mr. Satya N. Nandan, for his outstanding contribution to international seabed affairs over the years. At the same time, my delegation would

also like to congratulate Mr. Nii Allotey Odunton on his election as the International Seabed Authority's new Secretary-General. He can count on our active support and cooperation in the fulfilment of his responsibilities.

In recent years, the International Seabed Authority has devoted itself to the drafting of regulations on the prospecting for and exploration of two new resources, namely cobalt-rich nodules and polymetallic sulphides, and has made important progress. In order to ensure a rational exploration and exploitation of the resources concerned and full protection of the marine environment, the formulation of regulations on new resources should be based on sound scientific justification and broad reconciliation of various interests. It should be a process of thorough consideration and full consultation, allowing time for it to come to natural fruition. Therefore, it is inappropriate to preset a deadline. We would like to continue to actively participate in the drafting work on those regulations at the next session of the Authority.

China values the significant role played by the International Tribunal for the Law of the Sea in the peaceful settlement of disputes relating to oceans and the maintenance of international order. We will, as always, support the work of the Tribunal. We would like to extend our congratulations to the Tribunal's newly elected President and Vice-President, José Luis Jesus and Helmut Tuerk, respectively, on their election, and to the seven other judges on their election or re-election. Meanwhile, we express our sincere condolences on the passing of Judge Park Choon-ho of the Republic of Korea. Judge Park was an eminent scholar in law of the sea matters, as well as a good friend of the Chinese people. We will always remember him.

The Chinese delegation welcomes the progress made at the second meeting of the 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, held in April this year. The issues discussed by the Working Group have broad implications and are highly technical; therefore, more time is needed to continue the in-depth study. The conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction should be based on the existing international legal framework, and should be carried out through enhanced coordination and cooperation

among States and the relevant international organizations and agencies. In particular, the issue of establishing marine protected areas on the high seas should be dealt with in accordance with the existing basic legal framework governing the high seas.

Maritime security and safety is the theme this year for the Informal Consultative Process. The improvement of maritime security and safety requires strong international cooperation. Both the symptoms and the root causes of the problems should be addressed at the same time and the rule of law should be strengthened. It should be noted that various types of transnational crime at sea are strictly legally defined and governed by different legal frameworks. Therefore, in combating various criminal acts, the relevant laws should be strictly adhered to. Any over-simplified characterization and categorization is not appropriate.

Since 1999, the Informal Consultative Process has completed three rounds of discussions. It is now about to enter a new phase. We support the Group of 77 proposal that the Informal Consultative Process focus on topics closely related to sustainable development and that the tenth meeting, to be held next year, review and discuss the accomplishments of the Process over the past nine years as well as those areas which need to be improved. This will better meet the real needs of the international community and help the Process achieve more positive results.

The Chinese delegation would like to take this opportunity to reiterate that all States should uniformly adhere to and jointly safeguard the regime contained in the United Nations Convention on the Law of the Sea on transit passage through straits used for international navigation. Any law or regulation adopted by littoral States should be in line with the Convention and the relevant rules of international law and should not undermine the principle of freedom of navigation in the sea area concerned.

A very popular song in China draws a very apt analogy between the sea and the mother. We rely on the sea for our strength and give our love and care in return. We should utilize the oceans and seas in a better way while taking good care of them, work hard to maintain peace and order on the seas and actively engage in coordination and cooperation on ocean affairs. In line with its proposition for a harmonious order for the oceans, China is ready to join other States

to make this century of oceans and seas a truly splendid one.

Mr. Hannesson (Iceland): I would like at the outset to thank the Secretariat, in particular the able staff of the Division for Ocean Affairs and the Law of the Sea, for its comprehensive reports on oceans and the law of the sea and on sustainable fisheries. I would also like to thank the two coordinators, Ambassador Henrique Rodrigues Valle of Brazil and Ms. Holly Koehler of the United States, for conducting the informal consultations on the draft resolutions before us on oceans and the law of the sea and on sustainable fisheries.

The Convention on the Law of the Sea provides the legal framework for all our deliberations on the oceans and the law of the sea. Iceland welcomes recent ratifications of the Convention by Congo and Liberia, bringing the total number of States parties to 157. We also welcome signs that there will be further ratifications in the near future. By ratifying and implementing the Convention, one of the greatest achievements in the history of the United Nations, the international community sustains and promotes a number of its most cherished goals. Every effort must be made to utilize existing instruments to the fullest before we seriously consider other options, including possible new implementation agreements under the Convention.

The Commission on the Limits of the Continental Shelf is currently considering a number of submissions that have been made regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles. A number of coastal States, including Iceland, are preparing their submissions. As the time limit for making submissions approaches, the workload of the Commission is anticipated to increase considerably due to an increasing number of submissions, placing additional demands on its members and on the Division for Ocean Affairs and the Law of the Sea. We emphasize the need to ensure that the Commission can perform its functions efficiently and effectively and maintain its high level of quality and expertise. Furthermore, we encourage States to make additional contributions to the two voluntary trust funds in this field: the voluntary trust fund for the purpose of facilitating the preparation of submissions to the Commission by developing States and the voluntary trust fund for the purpose of defraying the cost of participation of the members of the

Commission from developing States in the meetings of the Commission.

We welcome the decision of the eighteenth Meeting of States Parties to the Convention, which applies in particular to developing countries. According to the decision, the time period for making submissions to the Commission may be satisfied by submitting to the Secretary-General preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles and a description of the status of preparation and intended submission date in accordance with the requirements of article 76 of the Convention and with the rules of procedure and the Scientific and Technical Guidelines of the Commission.

Consequently, the time limit for making submissions to the Commission is now governed by article 4 of annex II of the Convention; paragraph (a) of the decision of the eleventh Meeting of States Parties; the rules of procedure of the Commission, in particular paragraph 3 of annex I regarding partial submissions in case of disputed areas; and the aforementioned decision of the eleventh meeting of States parties.

The United Nations Fish Stocks Agreement is of paramount importance as it considerably strengthens the framework for conservation and management of straddling fish stocks and highly migratory fish stocks by regional fisheries management organizations. The provisions of the Agreement not only strengthen in many ways the relevant provisions of the Law of the Sea Convention but also represent an important development of international law in this area.

The effectiveness of the Agreement depends on its wide ratification and implementation. We welcome the recent ratifications of the Agreement by the Republic of Korea, Palau, Oman, Hungary and Slovakia, bringing the number of States parties to 72. We look forward to the eighth round of informal consultations of States parties to the Agreement, to be held in March next year, which will consider, *inter alia*, promoting a wider participation in the Agreement through a continuing dialogue, in particular with developing States, and initial preparatory work for the resumption of the review conference in 2010.

Iceland has emphasized the role of the Food and Agriculture Organization of the United Nations (FAO) in the field of fisheries. We welcome the adoption in

Rome last August of the International Guidelines for the Management of Deep-sea Fisheries in the High Seas, as requested in paragraph 89 of General Assembly resolution 61/105. They include standards and criteria for use by States and regional fisheries management organizations in identifying vulnerable marine ecosystems in areas beyond national jurisdiction and the impacts of fishing on such ecosystems and establishing standards for the management of deep sea fisheries in order to facilitate the adoption and the implementation of conservation and management measures pursuant to paragraphs 83 and 86 of resolution 61/105. We encourage States and regional fisheries management organizations to implement the Guidelines to sustainably manage fish stocks and protect vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals from destructive fishing practices.

We further welcome the intergovernmental FAO Technical Consultation to develop a legally binding instrument on minimum standards for port State measures. The instrument will presumably be an important tool in combating IUU fishing. We look forward to finalizing an effective instrument in the resumed session of the Consultation, to be held in Rome from 26 to 30 January 2009, with a view to presenting it to the twenty-eighth session of the Committee on Fisheries in March 2009.

We encourage the FAO to convene an expert consultation next year to develop criteria for assessing the performance of flag States, as well as to examine possible actions against vessels flying the flags of States not meeting such criteria, noting the preparatory work conducted by an expert workshop on flag State responsibilities held in Vancouver, Canada, in March this year. In our view, that is particularly relevant in strengthening and developing the legal basis for meaningful and effective measures against vessels engaged in IUU fishing on the high seas, where the flag State has failed to fulfil its obligations and take action.

Finally, I would like to voice our concern over the fact that the informal consultations on the two draft resolutions this year were not held in the same spirit of cooperation that has characterized the work on oceans and the law of the sea here at the United Nations, including the third United Nations Conference on the Law of the Sea. We regret, in particular, that certain Member States were unwilling to renew the mandate of

the Open-ended Informal Consultative Process on Oceans and the Law of the Sea for a further three years, as has been the tradition and to agree on a substantive topic for its tenth meeting next year. We hope this will prove to be an exception and that the consultations next year will be held in the traditional spirit of cooperation.

Mr. Natalegawa (Indonesia): Allow me at the outset to express our gratitude to the Secretary-General for his comprehensive report on oceans and the law of the sea, as contained in documents A/63/63 and Add.1. We also commend the Division for Ocean Affairs and the Law of the Sea and the Secretariat for their great work and their commitment to the subject matter.

The law of the sea has gone through a substantial evolution which culminated in the United Nations Convention on the Law of the Sea as a result of more than 20 years of difficult and very complicated negotiations. The Convention is the most comprehensive and detailed Treaty ever produced. It consists of a delicate balance between the rights of coastal States and user States and their respective responsibilities. It also takes into account the interests of landlocked States which, due to their geographical situation have no access to the oceans.

The Convention is the primary instrument governing the conduct of States in their use of the oceans. The importance of the Convention cannot be underestimated. It is a constitutive Treaty, setting out the rights and obligations of States and other international actors in different maritime areas and in relation to various aspects involving the uses of the oceans. As a faithful party to the Law of the Sea Convention, Indonesia has always put it at the heart of our national policy with regard to the issue of ocean affairs and the law of the sea.

Ensuring maritime security is an important step that should be taken by States, whether the form or nature of such threats is traditional or non-traditional. The vast areas of the oceans make illegal activities at sea difficult to trace and fight; thus making it important to have close international cooperation.

While acknowledging the multifaceted nature of such threats, we should avoid the temptation of addressing only one facet. Instead, there is a need to use a comprehensive approach taking into consideration the existing framework of cooperation at regional and global levels. It is of utmost importance

that any measures to be taken should be consistent with and must not be contradictory to, the letter and the spirit of the Convention, or create new norms which are contradictory to the Convention.

Of particular relevance here is the problem of increased instances of piracy and armed robbery at sea off of the coast of Somalia. Those acts threaten maritime security by endangering the welfare of seafarers. They cause financial losses to ship owners and affect in particular the security of international navigation in the area and the transportation of humanitarian assistance into Somalia. Those acts make urgent the need to build the capacity of the coastal States to combat piracy. In response, Indonesia joined the efforts of the Security Council in formulating an appropriate response to address such problems when the Council adopted its resolutions 1816 (2008), 1838 (2008) and 1846 (2008).

Indonesia wishes to emphasize that the aforementioned resolutions are crafted to address the specific situation of piracy and armed robbery off the coast of Somalia and that they are crystal clear in stating that they do not affect the rights, obligations or responsibilities of Member States under international law, including any rights or obligations under the Convention on the Law of the Sea, and in particular that they do not establish customary international law.

Like other Member States, the Indonesian Government has an unwavering commitment to suppress acts of piracy on the high seas adjacent to waters within our national jurisdiction. For that reason and in order to increase our national capability, we have enhanced our cooperation at the bilateral level with the littoral States through a trilateral forum, as well as with other countries in the region, inter alia, through best practices, coordinated patrols and information-sharing. That approach is consistent with provisions of the Convention pertaining to the suppression of piracy. We are pleased, therefore, that the concerted measures Indonesia has taken with other countries have yielded success, as reflected in the significant decrease in the number of acts of piracy and armed robbery against ships in the Straits of Malacca and Singapore.

The operational stage of the Cooperative Mechanism — established within the framework of the Tripartite Technical Expert Group on Safety of Navigation — will allow user States and other

stakeholders to contribute further in the efforts of the littoral States to ensure the safety of international navigation in the Straits. The mechanism has indeed reflected the implementation of article 43 of the Convention.

The report before us highlighted that illegal, unreported and unregulated (IUU) fishing activities have been reported in various regions of the world and take place both on the high seas and in areas under the national jurisdiction of coastal States. Some illegal fishing has also been associated with syndicates of criminal groups and other illicit activities.

Indonesia realizes the importance of the wide application of the precautionary approach and ecosystem approaches to address problems relating to IUU fishing. In that respect, Indonesia believes that the issue of IUU fishing has been traditionally perceived only from a food security perspective with the ultimate objective of ensuring the viability and sustainability of fish stocks resources worldwide and thus contributing to poverty alleviation, particularly in developing countries.

Indonesia believes, however, that the international community should not lose sight of exploring innovative ways and means to combat illegal fishing. That is because of the scale of the problem presented and its implication to the global environment. Globalization and the virtual border of oceans give perpetrators of illegal fishing the opportunity to commit crimes across borders. Consequently, we need a new approach to complement the existing measures by projecting the linkage between IUU fishing and international organized crime.

There is no doubt that the expanse of the oceans plays a major role in determining the world's climate. On the other hand, the recent growing pace of global climate change has a great impact on the oceans, affecting both marine life and the lives of those people whose livelihoods depend on marine resources and the marine and coastal environment. Those various challenges require a prompt and unified response from the international community.

In that regard, Indonesia is pleased that the draft resolution we are about to adopt today (A/63/L.42) that contains reference to the urgency of addressing this important issue, and also welcomes the Government of Indonesia's initiative to convene the World Ocean

Conference, to be held in Manado, North Sulawesi Province, in May 2009.

The Conference, whose main theme is climate change and the oceans, is an international forum to discuss and share current and future issues relating to oceans and climate change, with the objective of drawing up an adaptive strategy to use marine resources wisely for the benefit of humankind. The Conference will also be a forum to enhance better understanding of the link between oceans and climate change and the impact of climate change on marine ecosystems and coastal communities, thus promoting the urgency of mainstreaming climate sensitive policies and enhancing adaptation capacity at all levels, especially among developing countries and small island developing States.

Lastly, Indonesia welcomes the extension of the mandate of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea for another two years. Indonesia strongly believes that Consultative Process is a forum that has significantly contributed to the development of issues related to oceans and the law of the sea.

The Acting President (*spoke in Spanish*): I now give the floor to the representative of Singapore.

Mr. Menon (Singapore): I have the honour to speak on agenda item 70 (a), "Oceans and the law of the sea". As a coastal State with significant maritime interests, Singapore relies on the United Nations Convention on the Law of the Sea as the principal framework to ensure the freedom of navigation of ships in the major international waterways and to promote the world community's interest in the conservation and optimum utilization of the living resources of the sea. Given our open economy and heavy dependence on international shipping and trade, the Straits of Malacca can be aptly described as Singapore's economic lifeline. Around a third of the world's oil supplies and about half of global trade pass through those Straits. It is imperative that we protect the freedom of navigation and safe passage of ships through those and other similar waters.

This annual debate provides an opportunity for Member States to exchange views on various developments relating to the law of the sea. This year, we are pleased to note several significant, and mostly positive, developments. The Cooperative Mechanism on safety of navigation and environmental protection in

the Straits of Malacca and Singapore has made good progress since its inception in September 2007. This is a unique arrangement that allows the three littoral States, the user States, the shipping industry and other stakeholders to exchange information and work together on important issues relating to the use of the Straits. Singapore is encouraged by the spirit of cooperation shown by all those involved. In the second half of 2009, Singapore will host meetings to discuss two components of the Cooperative Mechanism, namely the Cooperation Forum and the Project Coordination Committee. We look forward to the continued participation and contribution of all interested parties.

We were also pleased to see that maritime safety and security was the subject of discussion at the ninth United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. In our region, the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against ships in Asia has contributed to the international effort against piracy and armed robbery. All contracting States to the Agreement are linked through the Information Sharing Centre in Singapore to exchange information regarding incidents of piracy and armed robbery, as well as reports on subsequent law enforcement investigations and their outcomes. In addition, the Information Sharing Centre publishes monthly and quarterly reports on the piracy and armed robbery situation in the Asian region. It also organizes capacity-building workshops for contracting States to the Agreement to share their best practices and enhance their ability to respond to incidents of piracy and armed robbery. Those efforts, as well as the various bilateral and national initiatives to fight piracy and armed robbery, have paid off. Singapore is encouraged by the decrease in the number of piracy and armed robbery incidents in the Asian region. We are confident that the Regional Cooperation Agreement will continue to play an important role in promoting maritime safety and security in our region.

However, the situation in the Gulf of Aden continues to be an issue of serious concern to the international community. The piracy situation there is a complex and multifaceted problem, which is beyond the scope and capacity of any one country to resolve. It requires a coordinated international response. In that regard, Singapore fully supports the timely and ongoing efforts at both the United Nations and the International Maritime Organization to address the

piracy situation in the Gulf of Aden. We were a sponsor of United Nations Security Council resolutions 1838 (2008) and 1846 (2008) and will continue to work with the international community on the issue.

Singapore also plays a part in promoting the conservation and sustainable development of marine areas. One month ago, Singapore, together with the Global Forum on Oceans, Coasts, and Islands and the University of Delaware's Gerard J. Mangone Center for Marine Policy, organized a Workshop on Governance of Marine Areas Beyond National Jurisdiction. The conference provided an opportunity for experts and stakeholders to discuss issues such as the various management options for improved governance of marine areas beyond national jurisdiction and the management of marine genetic resources.

This annual debate is also a discussion of the Convention itself. As responsible members of the international community, we have a duty to speak up against any trends that might impact the integrity of the Convention. For some time now, Singapore has been concerned about trends that encroach on established international law and the Convention, namely, on the regime of transit passage. One of the most important aspects of the Convention is the delicate balance that it strikes between the rights and obligations of a State bordering straits used for international navigation and the freedom of transit passage. That is found in Part III, section 2, specifically, article 42 of the United Nations Convention on the Law of the Sea. That critical provision ensures the continued use of the oceans to facilitate global trade, 90 per cent of which is seaborne. Professor Tommy Koh, the President of the Third United Nations Conference on the Law of the Sea, spoke on that point at the final session of the historic meeting in Montego Bay, Jamaica, in December 1982. At the time, he said:

"The world community's interest in the freedom of navigation will be facilitated by the important compromises on the status of the exclusive economic zone, by the regime of innocent passage through the territorial sea, by the regime of transit passage through straits used for international navigation and by the regime of archipelagic sea lane passage."

Professor Koh also highlighted a consistent theme from delegations' statements at that meeting. While the

Convention may not fully satisfy the interests and objectives of any State, it successfully accommodated the competing interests of all nations. That is the very balance that Singapore calls upon Member States and State parties to the Convention to assist in preserving, keeping faith with Professor Tommy Koh's injunction: "Let no nation put asunder this landmark achievement of the international community."

Therefore, for the third consecutive year, my delegation tried to introduce an operative paragraph in the omnibus draft resolution (A/62/L.42) to reaffirm the rights and responsibilities of States bordering straits used for international navigation, as set out in article 42 of the Convention. We wanted to highlight that provision, because we believe that it is both applicable and exhaustive. Moreover, the balance enshrined in article 42 is coming under assault. It is no secret that Singapore, like several other delegations, takes issue with the unilateral implementation of the mandatory pilotage scheme in the Torres Strait.

We would also take issue with any similar act taken in any other strait used for international navigation because we are convinced that such steps are contraventions of international law. The precedent set in the Torres Strait can be replicated anywhere, including in some of the busiest waterways in the world. Therefore, this issue is a global one, with implications for all law-abiding and responsible States.

We cannot sit by idly while we see attempts to restrict the maritime freeways of the world. The international community should and must come together to ensure that any implementation of compulsory pilotage in straits used for international navigation is corrected. We will not only be keeping the main arteries of the world clear by preserving the right of transit passage, but we will also be preserving the navigational rights enshrined in the Convention.

We must further point out that any restrictions on the freedom of navigation through straits used for international navigation will have a significant financial impact. For example, the diversion of vessels through the Cape of Good Hope as a result of the piracy situation in the Gulf of Aden will almost double the typical journey between the Gulf and Europe and increase shipping costs. At a time when global freight is facing a slowdown because of the ongoing financial crisis, any impediment to the use of international

waterways would only further hamper global trade and economic growth.

While Singapore was saddened by some delegations' hesitation to join consensus on our proposed text, we are very encouraged by the many voices raised in support of our efforts. In particular, our friends understood the strategic need to preserve article 42, and they share our determination to hold on to the consensus reflected in the Convention. I urge Member States not to be confused or persuaded by attempts to alter the delicate balance struck between the competing interests of States relating to transit passage. Part III, section 2, and in particular article 42 of the Convention are an integral part of the delicate balance achieved under the United Nations Convention on the Law of the Sea, and no nation should put it asunder.

Mr. Alday González (Mexico) (*spoke in Spanish*): The Mexican delegation would like to begin by acknowledging the work of the coordinators of the draft resolutions A/63/L.42 and A/63/L.43, Ambassador Henrique Valle of Brazil and Ms. Holly Koehler of the United States, respectively, for their efforts in achieving the results following weeks of negotiations. We would also like to acknowledge the year-round work carried out by the Division for Ocean Affairs and the Law of the Sea through the preparation of meetings and reports linked to this item on the agenda.

In the Secretary-General's reports (A/63/63 and Add.1) some progress is identified in the protection of the marine environment although, unfortunately, there are continuous signs of deterioration. For that reason, Mexico considers that all States should redouble their efforts to fulfil their obligations related to the international legal regime of the law of the sea. Thanks to cooperation and coordination at all levels, the establishment of interdisciplinary approaches to ocean policies and the acknowledgment of the competent legal bodies to settle disputes would guarantee the efficiency of the instruments that the international community has at its disposal, especially the 1982 United Nations Convention on the Law of the Sea.

Allow me to comment on draft resolution A/63/L.42, entitled "Oceans and the law of the sea". With respect to the work of the Commission on the Limits of the Continental Shelf, we reiterate our commitment to contribute to enhancing its capacity so

that it can carry out its work. Last April, Mexico gave a partial presentation before the Commission within the pre-established timeframe. We urge all States that must make this presentation to heed the call of the General Assembly contained in paragraph 39 of the draft resolution.

As to climate change, we should recognize it as a phenomenon which is affecting most of our activities and environment. For that reason, Mexico considers it fundamental to include paragraphs on the acidification of the oceans and increased scientific activity that will allow us to better understand the impact of climate change on the marine environment and on marine biodiversity.

On the subject of the conservation and the sustainable use of marine biodiversity beyond national jurisdiction, we are pleased with the very enriching meeting held by the Ad Hoc Working Group, as it has now identified some lines of action to be explored by the General Assembly in the future. It will be very important to consider the fundamental basis provided by the Convention with regards to the legal framework for the use and conservation of biodiversity beyond national jurisdiction. We are especially pleased that the next Ad Hoc Working Group meeting may provide concrete recommendations to the General Assembly and, therefore consolidate the central role that it has for dealing with this issue.

With respect to the Informal Consultative Process on Oceans and the Law of the Sea, we hope its tenth meeting will give us an opportunity to carry out a genuine and comprehensive review of its effectiveness, which will enable us to identify the means and the adjustments necessary to strengthen it. We must not forget that this Consultative Process should be used to promote its interests and, of course, the needs of all the Member States of the Organization. The most recent meetings of States parties to the Convention have provided us important lessons, one of which being that dialogue and understanding among all States is an essential condition for the implementation of any action to protect the common heritage of humanity.

As to maritime security, especially shipping freedom of navigation and the right of transit, Mexico would like to reiterate the validity of the principles of the Convention.

Moving on to draft resolution A/63/L.43, on sustainable fisheries, we would like to make the

following comments: Mexico is fully committed to sustainable fishing and complies with all the substantive provisions of the 1995 Fish Stocks Agreement. Sustainable fishing is a very important issue for my country and that is why we participate constructively in the pursuit of mechanisms that will make it universal.

One of the measures that the 2006 Review Conference on the Agreement has acknowledged as necessary in order to achieve its universal acceptance is genuine dialogue to consider the concerns of non-State parties. Mexico hopes that it will be possible to establish this dialogue and that it will give greater impetus to the ratification of the Agreement to promote cooperation which will enable the implementation of conservation and management measures at the national level to ensure the conservation and sustainable enjoyment of straddling and highly migratory fish stocks. We will monitor with great attention the informal consultations among States parties to the Agreement that will take place next year in New York.

We would also like to repeat that responsible international trade is essential to guarantee that fishing contributes to sustainable development. To that end, certification and eco-labelling are fundamental mechanisms, as long as they comply with international law. Effective access to markets should be non-discriminatory, and require the elimination of unnecessary barriers and other trade distortions, as well as acting in accordance with the principles laid out in the code of conduct for responsible fishing.

With regard to the impact of fishing on vulnerable marine ecosystems, Mexico acknowledges the need to continue working with agreed-upon measures to effectively address these issues, especially those measures in the Assembly's 2005 resolution (60/31) regarding drift-net fishing. The application of the precautionary principle aims to prevent irreversible damage to the ecosystems and to prevent high-impact losses which would be difficult and lengthy to remedy. That principle should be applied to drift-net fishing.

With regard to illegal fishing and its possible link to international organized crime, the General Assembly has proposed a cautious approach. We wish to point out that, in our opinion, such a link can be established only after the launching of an in-depth dialogue among States on the issue that uses solid and comprehensive studies as a reference point in order to facilitate

learning and understanding. That is why we also believe it essential to consider the diverse legal regimes applicable to both activities under international law. We believe that this issue is one on which we must move ahead firmly but step by step and without rushing to any conclusions.

The great variety of the issues addressed in both draft resolutions is clear proof of the strategic importance of ocean affairs at the global level. The continued productivity of the oceans depends on their sustainable use and requires that the international community recognize that the problems of the ocean space are closely interrelated and must be considered in a comprehensive manner. Mexico supports both draft resolutions and hopes to continue working in the future with Members of the Organization in a committed and responsible manner to address the new challenges for the international community with regard to the oceans.

Mr. Vunibobo (Fiji): Fiji aligns itself with the statement delivered earlier by the representative of Palau on behalf of the Pacific Islands Forum. I reaffirm here Fiji's support for both draft resolutions being considered under today's agenda item.

We have been urged once again at this session to make every effort to submit information to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles. Fiji is endeavouring in every way it can to meet that obligation. We are greatly indebted to the goodwill of Member States, in particular Norway and others, that have contributed generously to the trust fund held at the Division for Ocean Affairs and the Law of the Sea to assist developing States in preparing their submissions. I am pleased to report that Fiji's requests for funding assistance from the fund have been approved and that we are now actively preparing our own submission.

Fiji has an extended continental shelf, and we will shortly be submitting to the Commission relevant information regarding its outer limits. Nevertheless, let me make clear that that submission will be made without prejudice to the question of delimitation of the continental shelf between States with opposite or adjacent coasts, as alluded to in the Convention.

Fiji welcomes the report of the eighteenth Meeting of States Parties to the Convention and notes the dates scheduled for the nineteenth meeting. Of

particular importance to my delegation is the resolution of the issue of allocating seats both at the International Tribunal for the Law of the Sea and at the Commission. Fiji's position on that subject is in support of the case advanced by the Asian and African Group. In our view, if a vote is taken, it will be a bad omen for the long-term stability of our work, which has always been based on a consensus approach.

The Tribunal's continued and significant contribution to the settlement of disputes by peaceful means must be commended and supported. We believe it is important that the Tribunal be protected from the inclusion of considerations incompatible with its independence if it is to maintain the respect and trust of Member States.

Fiji is following with interest the pace of progress at the International Seabed Authority in its deliberations on the various regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area. The finalization of those regulations, and the identification of definite parameters required for prospecting, will indeed benefit parties with vested interests in the Area and will also assist coastal States that perhaps possess similar types of resources in duplicating those regulations in their domestic laws. We call for the drafting exercise to be expedited.

Fiji agrees that the ecosystem approach to ocean management should be focused on managing human activities in order to maintain and, where needed, restore ecosystem health so as to sustain goods and environmental services, provide social and economic benefits for food security and, more important, sustain livelihoods. In that connection, Fiji agrees that there is a need to strengthen the ability of competent international organizations to contribute at the global, regional, subregional and bilateral levels through programmes of cooperation with Governments to develop national capacities in marine science and the sustainable management of the oceans and their resources. As a small developing State, we do not have the resources or the capacity to do that. Marine science can contribute to the alleviation of poverty and can improve and expand food security and conservation of the marine environment and resources. It also helps us to understand, predict and respond to natural events. Marine science and sustained research efforts enhance the ability of policy-makers and decision-makers to

formulate sound policies that promote the sustainable development of the oceans and sea resources.

Let me express once again our serious concern over the current and projected adverse effects of climate change on the marine environment and marine biodiversity. I emphasize the urgency of addressing that issue. Over the past two decades, climate change has increased the severity and the incidence of coral bleaching throughout the tropical seas. That has weakened the ability of reefs to withstand ocean acidification — a predicament that could have serious and irreversible negative effects on the ability of marine organisms, particularly corals, to withstand other pressures, including overfishing and pollution. Corals and reefs are the feeding grounds for the fish and shellfish that make up more than 90 per cent of our diet. We are not deep-sea fish connoisseurs; since time immemorial, our people have found flavour in the flesh of reef and shallow-water fish. The adverse effects of climate change threaten that secure way of life.

It remains for me to thank the various relevant organizations, including the staff of the Division, for their service and their contributions in assisting Member States. We thank those States that have entered into agreements with States with extensive economic zones for the orderly exploitation of their fishery resources. It is, however, discouraging to note that substantial amounts of fish continue to be illegally taken out of those zones without any compensation whatsoever. We call upon flag States to exercise greater vigilance and supervision with regard to the ways in which their fishing fleets obtain their catches.

At the end of this month, a fellow countryman of mine will complete his long and distinguished association with the Law of the Sea, in particular the International Seabed Authority. My country wishes to pay a public tribute to Ambassador Satya Nandan for his dedication not only to the service of his country, but also, and more important, to the international community. We hope that, even though he will retire, his wealth of experience will continue to be available to those of us who need his service.

Mr. Chitty (Sri Lanka): Sri Lanka is pleased to be a sponsor of draft resolution A/63/L.42 under agenda item 70 (a) on “Oceans and the law of the sea”, just as it sponsors similar texts every year.

Over the years, the annual reports of the Secretary-General under these items have developed

into comprehensive and authoritative sources of information, and they are an invaluable contribution to the information base that many Governments rely on in their deliberations. In many respects they constitute the factual foundation of the current state of affairs as regards the marine sector. They identify and update information on issues that become part of the annual resolutions on oceans and the law of the sea. They serve, in a sense, as the foundation for the draft resolutions on oceans and the law of the sea. The current report of the Secretary-General (A/63/63) and Addendum 1 thereto serve that purpose.

The resolutions have become more complex, technical and in some ways, interpretative instruments. Many preambular and operative paragraphs have been carried forward from year to year, thereby reinforcing the essential recognition of the United Nations Convention on the Law of the Sea (UNCLOS) and its related aspects. The draft resolutions also cover a gamut of issues and record other developments, including the conclusions of international conferences, seminars and workshops in the field. In recent years they have served more regulatory functions.

The negotiating process in adopting each draft resolution before us was indeed arduous. Consultation, cooperation and compromise finally prevailed in most respects, although not all. Those are the only means of securing consensus provisions for incorporation in the resolutions and the conduct of the consultations by Ambassador Henrique Valle of Brazil — whose return to the law of the sea arena is truly welcome — was indeed successful. His guidance led to a positive result, given the disparate positions on many issues. Ms. Holly Koehler is also to be congratulated for her achievements with respect to the draft resolution on sustainable fisheries.

The Convention is and should remain as the overarching instrument that provides the legal framework for all maritime activity and for the regulation of the exploitation of all resources of the oceans and seas and their uses. All States have the responsibility to protect the integrity of the Convention against any action that is inconsistent with it. The protection of the integrity of the Convention in turn preserves its essential balance and underscores the need for international cooperation and a cooperative approach in its implementation.

The framework provided by the 1982 Convention for the protection and preservation of the marine environment has been developed in many sectors. The draft resolution on sustainable fisheries places much reliance and attention on the role of fisheries management organizations and agencies for that purpose. However, the management capacity of developing countries to participate effectively within those entities still needs attention in many cases.

The Convention has achieved many delicate compromises and that is the case with respect to the provision on the laws and regulations of States bordering straits relating to transit passage and the rights and responsibilities of States bordering straits used for international navigation, as well as those of foreign ships transiting such straits, which should be respected.

The regulation of the exploitation and the preservation of the living resources of the high seas — the areas beyond the limits of national jurisdiction — is of necessity executed through international, regional or subregional cooperation. That was the understanding upon which the original deliberations of the Conference on the Law of the Sea were based.

The 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments, has now been widely ratified, and as recognized by the review conference, the Convention on the Law of the Sea provides the legal framework for the conservation and management of straddling fish stocks and highly migratory fish stocks, and it is supplemented by the 1995 Agreement.

The promotion of integrated management and sustainable development of the oceans and seas is the goal and effective implementation of the sustainable development of the oceans resources would also contribute to the social and economic development of the world's poorer nations and to progress in fighting world hunger and poverty.

Sri Lanka has a long history of environmental protection and a tradition of sustainable development. The philosophy of sustainable development is enshrined in Sri Lankan history, and it is in that context that Sri Lanka seeks to adhere to those principles, even as it faces the daunting task of effectively developing

the ocean sector. For the developing world, contemporary economic development issues are proving to be an ever more daunting challenge to meet in the ocean sector.

The initiative Sri Lanka took at the sixty-first session of the General Assembly to introduce, in the resolution, the issue of assistance to and the measures that may be taken by States, in particular, by developing States, including the least developed and small island States among them, as well as coastal African States, to identify their needs in attaining sustainable development of the marine resources and uses under their jurisdiction, in realizing the economic benefits of the resource regime under national jurisdiction established by the Convention, has to some extent been fruitful.

Operative paragraph 120 of draft resolution A/63/L.42 acknowledges receipt of the report of the Secretary-General, which is seen as the first outcome of that process. Sri Lanka is thankful to delegations for the generous support extended at the time the proposal was submitted with the endorsement of the Group of 77 and China.

Sustainable and effective development is yet to be had in most parts of the developing world, particularly in the ocean sector, but the report is a step to guide them through the task of converting sovereignty over the resources into their enjoyment. Many more steps are to follow, most importantly the infusion of capital, embarkation on joint or cooperative development and the joinder of technological and commercial interests to secure resources.

The study by the Secretary-General (A/63/342) provides an exposé of the challenges and the steps taken to address them and could constitute an information base for the sustainable development of marine resources and uses of the oceans. States which have had successes and positive outcomes in resource development in areas of the marine sector have described such experiences, focusing on the requisite mobilization of knowledge, skills and capital outlays needed. International cooperation in that context must, of necessity, address the means of sustainable resource development.

The resource rich developing countries need to secure technical expertise, enter into partnerships and joint development arrangements and accept an infusion of capital, making use of the managerial experience of

those who have gone before in the quarter of a century since the Convention was adopted, for those countries may now lack resources within their national jurisdictions. The expected end-result can be a win-win situation where the latter States can build upon their positive experiences and can venture into resource development of their adjacent seas.

My delegation considers the work of the Commission on the Limits of the Continental Shelf to be most important. We are pleased to note that measures have been proposed to secure the continuity and effectiveness of its important work, as well as the strengthening of the Division, serving as the secretariat of the Commission.

We recognize as important the recognition in the draft resolution of the decision of the eighteenth Meeting of States Parties to the Convention that it is understood that the time period referred to in article 4 of Annex II to the Convention and the decision contained in paragraph (a) of that decision (SPLOS/72) may be satisfied by submitting to the Secretary-General preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles and a description of the status of preparation and intended submission date, in accordance with the requirements of article 76 of the Convention and with the rules of procedure and the Scientific and Technical Guidelines of the Commission.

Special note is made of operative paragraph 50, concerning the participation of the coastal State in the proceedings of the Commission and the need for its interaction with submitting States. We fully share in the conclusions of the paragraph which expresses the Assembly's firm conviction about the importance of the work of the Commission, carried out in accordance with the Convention, including with respect to the participation of the coastal State in relevant proceedings concerning its submission, and recognizes the continued need for active interaction between coastal States and the Commission.

Regarding capacity-building, we recognize the effective capacity-building activities of the Division which contribute to the training activities aimed at assisting developing States inter-alia in the preparation of their submissions to the Commission on the Limits of the Continental Shelf.

As regards the Informal Consultative Process, we note that it was essentially linked to sustainable

development even before its formal establishment. Therefore, it should not lose its focus on the social, environmental and economic dimensions of sustainable development, including those issues identified in Chapter 17 of Agenda 21, which remains the fundamental programme of action for achieving sustainable development in respect of the oceans and seas.

We agree to the two-year extension of the mandate of the Informal Consultative Process. Though we would have preferred it to focus attention on sustainable development next year, we shared in the consensus that it should review the implementation of agreed elements of previous meetings, lessons learned from the first to the ninth meetings; enhancing methodology; the choice of issues and methods of work; and strengthening the participation of experts and non-governmental organizations from developing countries.

We also note operative paragraph 77, which calls upon States to ensure freedom of navigation, the safety of navigation and the right of transit passage, archipelagic sea lanes passage and innocent passage in accordance with international law, in particular, the Convention.

We note that the freedom of navigation guaranteed by the Convention has many components. These include, importantly, transit passage through straits used for international navigation. One of the most important aspects of the Convention is the delicate balance that it strikes between the rights and obligations of a States bordering straits used in international navigation and the freedom of transit passage. We see every reason to stress its importance.

We are also pleased to note in operative paragraph 113 the call on States to ensure that the urban and coastal development projects and related land reclamation activities are carried out in a responsible manner that protects the marine habitat and environment and mitigates the negative consequences of such activities.

We consider the effectiveness of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against ships in Asia (ReCaap), a venture to be better proved by the decrease in incidents in the region. This arrangement serves as a good model for other regions as well.

As regards the work of the International Seabed Authority as an institution established under the Convention, the statements presented by the Secretary-General at the Meeting of States Parties and to the General Assembly are most useful and do provide an overview of the work carried out by it.

We recognize the singular contribution its Secretary-General, Ambassador Satya N. Nandan, has made to the Authority from its inception. This is his most recent contribution to the law of the sea. His many roles over the years have been duly recognized. On his election as Secretary-General of the International Seabed Authority, he embarked on the tenuous, formative phases that followed the establishment of the Authority.

Under his stewardship, the organization has since moved on from there to become a viable, effective, equipped international organization which will soon be ready to move to the next phase, the start-up of commercial mining, whether for poly-metallic nodules, manganese sulphides or ferromanganese crusts.

It is also with great pleasure that we congratulate and recognize the election by acclamation of Mr. Nii Allotey Odunton as the next Secretary-General of the International Seabed Authority. Having served the United Nations and the Authority for more than 30 years, 20 of which were as Deputy to the Secretary-General, he is admirably equipped to be the next torch-bearer to carry the Authority into commercial seabed mining in the near future.

As regards the International Tribunal for the Law of the Sea, we congratulate the newly elected President, Judge José Luis Jesus, and Vice-President, Judge Helmut Tuerk. The Tribunal recently entered its twelfth year of existence but we regret to note that the Tribunal is without cases at present.

We welcome the effort in trying to disseminate more widely accurate and authoritative information concerning the Tribunal and its rules, jurisdiction and procedures for bringing cases. We would again urge the wider distribution of its documentation, especially through full text publications on its website and affordable soft cover publications. Note is also made of the emphasis placed in the draft resolution on promoting recruitment of a geographically representative staff in the professional and higher categories of the Registry.

There was an earlier reference to the deliberations of the Meeting of States Parties regarding the equity and distribution of seats on the Tribunal. This is a matter that should be taken up at the next meeting of States parties.

The Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, which is implemented by the Division, has achieved wide recognition and has served to perpetuate the memory and the contribution of the President of the Third United Nations Conference on the Law of the Sea from its inception up to his demise in 1980. We trust that arrangements will be made by the Secretary-General to continue to finance the Fellowship from appropriate trust fund resources made available to the Office of Legal Affairs. We urge Member States and others in a position to do so to contribute to the Fellowship trust fund.

We are also aware of the useful purpose served by the Nippon Foundation Fellowship Programme and the opportunities it offers for human resources development in the field of oceans and the law of the sea.

The arm of the Secretariat which serves as the secretariat of the Convention, that is, the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, has a critical role to play in support of the institutions it serves and the conferences and meetings it services.

The demands on the Division are great, yet it has responded effectively under the guidance of the Director and the Under-Secretary-General, the Legal Counsel. We recognize and appreciate the effective servicing of the Meeting of States Parties, the Informal Consultative Process, the Commission on the Limits of the Continental Shelf, the capacity-building workshops and the Fellowship programmes. The arrangement to be made concerning the Hamilton Shirley Amerasinghe Fellowship programme, as earlier proposed by the Legal Counsel, is commendable.

Mr. Sergeyev (Ukraine): The General Assembly is in a unique position to review in a holistic manner the complex nature of ocean-related matters.

In this connection, I would like to express our appreciation to the Secretary-General for both the quality and the scope of the reports under this agenda item (A/63/63 and Add.1) which are, in and of

themselves, powerful tools that facilitate international cooperation. We also commend the activities of the Division for Ocean Affairs and the Law of the Sea which continue to be intense and worthy of our praise.

At the outset, on behalf of the bureau, States parties to the United Nations Convention of the Law of the Sea and myself as the Chair of the eighteenth Meeting of States Parties to the Convention, I would like to express our condolences on the passing away of Mr. Choon-Ho Park, Judge of the International Tribunal for the Law of the Sea since 1996. We also convey our most sincere condolences to the people and the Government of the Republic of Korea and to the family of the deceased.

Ukraine is firmly committed to the United Nations Convention on the Law of the Sea, which represents a significant achievement by the international community and an important testimony to United Nations efforts to codify and develop the international law of the sea. That document is not only a charter under which all activities related to oceans and seas should be carried out but is also a basis for a comprehensive system of economic and political cooperation in marine-related matters.

As the main framework for the new international order of the oceans was laid down in the Convention and the Agreement relating to the implementation of its Part XI, we cannot but emphasize the paramount importance of the 1995 Fish Stocks Agreement, which ensures conservation and management of those stocks on the basis of the principle of responsible fishing on the high seas. As a country actively participating in the international community's efforts to preserve the marine environment and to maintain and manage the fish stocks, we call on States that have not acceded to this instrument to do so in order to achieve its broadest participation.

My country had attached great importance to the issues of fisheries even before it became a party to the Fish Stocks Agreement. The legislation of Ukraine on fisheries was developed on the basis of provisions and principles of the Agreement.

Over-exploitation of living marine resources through excess fishing continues to be of grave 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 a special emphasis on the problem of illegal, unregulated and unreported fisheries. 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 to preserve the marine environment. Better international cooperation in this sphere is needed, and the relevant regional organizations have a crucial role in that respect. It is important that the regional fisheries organizations enhance their cooperation with a larger number of States, in particular with distant-water fishing States and geographically disadvantaged States.

The institutions established within the framework of the Convention are essential components in the global system for the rule of law on the oceans and for the maintenance of peace and security there. We note with satisfaction the effective functioning of the International Seabed Authority. It is important that the Authority, while examining the reports submitted by contractors, continues the elaboration of rules, regulations and procedures to insure the effective protection of the marine environment and conservation of the natural resources of the Area.

We reiterate that the International Tribunal for the Law of the Sea has played a crucial role in the process of the interpretation and implementation of the 1982 Convention and the Agreement. The Tribunal has decided 11 cases since it delivered its first judgment, and we hope for new achievements by it in the future.

Great progress has been made by the Commission on the Limits of the Continental Shelf during recent years regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles. We share the concerns relating to the workload of and funding for the members of the Commission.

The growing number of incidents of piracy and armed robbery continues to be of major concern to the international community. As the report of the Secretary-General clearly shows, such unlawful and cruel acts not only have a negative economic impact on maritime transportation but also constitute a real threat to the lives of the crew members. Therefore, active measures by States and international and regional organizations are needed to combat and, more important, to prevent such illegal acts at sea and to bring the perpetrators to justice.

It is important that States also become parties to the related international Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, and to the United Nations Convention against Transnational Organized Crime. We believe that States should be encouraged to enact and enforce national legislation for effective implementation and enforcement of those conventions. Further, it is important that the coastal States concerned make an increased effort to prevent and combat piracy and armed robbery. That should be done by addressing the question of preventive measures to be taken in ports and the handling of reports from ships that are being attacked or have been attacked. It is also essential that those flag States whose ships are sailing in waters affected by crimes at sea and are the targets of armed robbery or attacks by pirates make an increased effort to advise their ships on how to take precautions against such attacks.

We welcome Security Council resolutions 1816 (2008) and 1838 (2008) on all acts on piracy and armed robbery against vessels in territorial waters and the high seas off the coast of Somalia. My delegation also commends the efforts of those Governments that provide naval escorts for humanitarian vessels, as well as the decision by the European Union to establish a coordination mechanism for those escorts. We also welcome their decisions to cooperate with the Transitional Federal Government of Somalia to fight piracy. We call upon the international community to also address, in a pragmatic and effective manner, the legal issues relating to persons apprehended while engaged in acts of piracy.

My delegation is willing and prepared to commence a discussion on what measures could be taken against piracy and armed robbery. We also look forward to further actions from the Security Council and the General Assembly to prevent and to combat piracy as a whole.

Mrs. Kafanabo (United Republic of Tanzania): At the outset, my delegation would like to extend its appreciation to the Secretary-General for his comprehensive reports on oceans and the law of the sea and sustainable fisheries, contained in documents A/63/63 and A/63/63/Add.1. These informative reports provide us with a useful basis for our consideration of this agenda item. We also wish to take this opportunity

to commend the two coordinators, Ambassador Henrique Rodrigues Valle of Brazil and Ms. Holly Koehler of the United States, for their professional conduct of the informal consultations on the two resolutions.

The Government of the United Republic of Tanzania highly values the role of the United Nations Convention on the Law of the Sea. The Convention provides the legal framework for all our deliberations on the oceans and the law of the sea. In our view, discussions within the United Nations framework of matters related to the Convention are of critical importance.

Tanzania is surrounded by water bodies, including the Indian Ocean, and it is in that context that we place strong emphasis on the development of good policies to support existing efforts by subregional and regional fisheries management organizations, as well as by the international community. Such policies enhance good use of oceans and seas, play a key role in sustaining life on the planet and provide goods and services that benefit humankind.

Having noted the importance of the Convention and its near universal acceptance, Tanzania continues to make tremendous efforts in the implementation of national strategies for sustainable development and protection of the marine environment in order to achieve a coherent and effective implementation of the provisions of the Convention.

My delegation notes with satisfaction the progress achieved by the three institutions established under the Convention. The International Tribunal for the Law of the Sea continues to play an important role in the settlement of disputes between States parties on issues relating to seas and oceans and has to date decided numerous cases involving a variety of issues. The International Seabed Authority is actively carrying out its functions under the Convention. Finally, the Commission on the Limits of the Continental Shelf is currently considering a number of submissions regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles. With the increasing number of submissions, the increased workload of the Commission is also critical; we urge States parties to the Convention to continue addressing issues relating to the workload of the Commission to ensure that it can perform its functions efficiently and effectively.

Tanzania is in the process of preparing its submission and is still determined to submit it in due time. It is important that States exchange views in order to increase understanding of issues arising from the application of article 76 of the Convention and the application of Annex II on the Statement of Understanding Concerning a Specific Method to be Used in Establishing the Outer Edge of the Continental Margin, thus facilitating the preparation of submissions by States, in particular developing States, to the Commission.

The ability of developing countries to meet the timeline of 13 May 2009 still poses a major challenge. Many of those countries face financial and technical difficulties, including the availability of capable survey ships and other technical equipment for field data acquisition. There is a high cost to preparing the submission, which includes carrying out field surveys and preparing documents. Developing countries face many other challenges and have other pressing demands on their national budgets. In view of the difficulties experienced in the preparation of submissions, my delegation continues to urge States parties to the Convention to consider a general extension of the timeline so as to safeguard the rights of developing coastal States over their continental shelf beyond 200 nautical miles.

My delegation acknowledges the advancement of scientific knowledge and the importance of continuing the quest to better understand the changes and processes in the marine environment, particularly in the deep sea, as well as the functional role played by vulnerable marine ecosystems and the interconnectedness of the various ecosystems.

My delegation strongly emphasizes the need to build capacity, to exchange information in marine scientific research and to enable the transfer of marine technology. Developing coastal States should be given a chance to fully participate in various scientific projects, so as to better manage the use of oceans and seas, including data collection and its maintenance thereafter.

My delegation thus supports the work of the United Nations Division for Ocean Affairs and Law of the Sea and other United Nations agencies in carrying out training and awareness campaigns, which have continued to play a significant role in reaching a better understanding of the nature of the work undertaken to

preserve the marine environment and of the challenges ahead.

Like many other developing coastal States, Tanzania has limited financial and technical resources for preventing and combating illegal and unreported fishing activities. However, despite the challenges it faces, Tanzania is fully committed to maintaining, to the extent possible, effective control of fishery activities that undermine sustainable fisheries.

Tanzania is greatly concerned over the tense political situation in Somalia, which has paved the way to the ongoing piracy along the coastline, which affects not only the region but also the whole world. Tanzania thus calls for the engagement of the international community to seek a lasting solution to the political instability in Somalia, which has contributed to the worsening criminal activities, including marine piracy.

We condemn such acts, which arise from and cause human suffering in Somalia and are a threat not only to the security of its neighbouring countries, but also to humanity. There is an urgent need for the international community to join efforts in keeping the international shipping lanes off the Somali coastline safe. My delegation supports further engagement of the Secretary-General to promote and facilitate the international community's efforts to combat acts of piracy and armed robbery against ships off the coast of Somalia.

In conclusion, Tanzania calls upon States parties to abide by the principles established by the Convention and urges Member States and all interested parties to take conservation and management measures to protect the marine environment. States should increase their commitments to ensuring that all human activities in areas beyond national jurisdiction are conducted in a sustainable manner, on the basis of the best available science and precautionary and ecosystem approaches.

Mr. Al-Zobi (Kuwait) (*spoke in Arabic*): It pleases me to convey to you, Sir, in the name of the delegation of the State of Kuwait, our thanks and gratitude for the efforts you have exerted in conducting the work of the current session of the General Assembly. We also thank His Excellency the Secretary-General for his reports on the oceans and the law of the sea.

Kuwait lends great importance to the subject of oceans and the law of the sea and welcomes the Secretary-General's comprehensive report on issues and developments relating to oceans and the law of the sea, as well as those relating to the implementation of the United Nations Convention of the Law of the Sea.

The State of Kuwait also welcomes the continued increase in the number of States parties to the Convention, which this year has reached 156 States. This is a clear demonstration of the importance of this Convention at the international and regional levels. In this regard, the State of Kuwait calls upon the States not yet party to the Convention to accede to it, thus contributing to strengthening international peace and security.

The increase in the number and scope of acts of piracy and armed robbery against ships threatens trade and maritime navigation and poses risks to the lives of seamen working on board. In this regard, my delegation condemns all acts of piracy and terrorism, in this case off the coast of Somalia, as well as the hijacking of commercial ships, the most recent being the Saudi tanker, for which a ransom was demanded. Therefore, the international community must strengthen its efforts to eliminate piracy and armed robbery against ships.

My delegation commends Security Council resolution 1846 (2008), under Chapter VII of the Charter, which strengthens international efforts to combat piracy off the coast of Somalia by expanding the mandate of States and regional organizations working with Somali officials towards that goal.

Protecting the marine environment and its natural resources is a matter of utmost importance. We therefore must use a more comprehensive approach to continue studies and bolster measures aimed at preserving marine biodiversity from the impact of climate change that is due to human activities and natural events.

In light of the above, the State of Kuwait acceded to the United Nations Convention on the Law of the Sea in 1986 and the Agreement relating to the implementation of Part XI of the Convention in 2002. It is also party to the Protocol concerning Marine Pollution Resulting from Exploration and Exploitation of the Continental Shelf.

The State of Kuwait is also home to the headquarters of the Regional Organization for the Protection of the Marine Environment, established pursuant to the 1978 Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution, which aims to coordinate the efforts of the coastal States of the Gulf to protect the resources of the marine environment. The State of Kuwait also implements marine environmental protection programmes in cooperation with the International Atomic Energy Agency.

In conclusion, the State of Kuwait hopes that all Member States will cooperate and work together to improve the lives of their peoples and to preserve marine resources and use them optimally, by acceding to the relevant conventions and abiding by the law, so as to guarantee the right of peoples to fair and equitable use of marine resources and to achieve the desired goal of a sustainable environment.

Mr. Rogachev (Russian Federation) (*spoke in Russian*): I wish at the outset to thank the Secretary-General for his report to the General Assembly on oceans and the law of the sea (A/63/63). The Russian delegation believes in preserving the integrity of the United Nations Convention on the Law of the Sea, comprehensively strengthening it and appropriately implementing its provisions. We believe that States should carry out their activities in the world's oceans in full accordance with the norms set out in the Convention. That relates, inter alia, to freedom of navigation on the high seas; the right of States to transit through straits used for international navigation; the right of innocent passage and passage through archipelagic areas; the right to fish on the high seas; and other equally important provisions of the Convention. The Russian Federation calls on States that have not yet done so to become party to the Convention.

Fishing in those areas of the high seas where regional fisheries management organizations (RFMOs) operate should be carried out in full accordance with the rules and standards agreed on and adopted in those organizations by their States parties. In cases where such an organization is being established, States should abide by temporary measures regulating fishing in areas which will be covered by the future organization. At the same time, such specific steps should be applied on the basis of scientific information about the status of the various fish stocks. The question of possible

voluntary limitation by States of their fishing pending the adoption of temporary measures should also be considered separately for each individual part of the ocean and taking account of existing scientific data.

We call upon States to cooperate in order to establish new RFMOs and to enhance the effectiveness of existing ones. In that connection, we stress the importance of current efforts to establish such regional fisheries management organizations in the North and South Pacific, and we confirm that Russia continues to be interested in being a party to them.

My delegation draws attention to the exceptional importance of the 1995 United Nations Fish Stocks Agreement. We call for an increase in the number of parties to the Agreement and we call upon other States that have not yet done so to consider acceding to it. The Russian Federation expects the forthcoming ninth round of informal consultations of States parties to that Agreement to include a constructive dialogue between States parties and States that have not yet determined their position on acceding to the Agreement.

This year, there was a difficult discussion about the future of the informal consultative process. We continue to believe that the process is an extremely useful format for constructively discussing topical problems relating to the oceans. We believe that the informal consultative process must be retained, and we stand ready to consider any possible ways of improving its working methods at the forthcoming session in 2009.

We welcome the fruitful work done by bodies set up under the 1982 Convention; the International Tribunal for the Law of the Sea; the International Seabed Authority; and the Commission on the Limits of the Continental Shelf. We have always called for strengthening their potential.

We are grateful to States parties to the Convention for their support for the candidature of the Russian international jurist Mr. Vladimir Vladimirovich Golitsyn at the summer elections to the International Tribunal.

We note in particular the important work done by the Commission on the Limits of the Continental Shelf. We would stress how important it is that coastal States meet all the requirements set out in article 76 of the Convention. We expect that the already fairly heavy workload of the Commission will grow significantly in

the near future. In that connection we stress that it is important to give the Commission all the resources that it needs. My country also calls for greater efforts to be made to ensure the active interaction between the Commission and States making submissions on the outer limits of the continental shelf beyond the 200-nautical-mile limit.

The Russian Federation supports the draft resolutions prepared for the sixty-third session of the General Assembly on oceans and the law of the sea. Many of their provisions were the outcome of compromise that was not easy to reach. At the same time, we are somewhat disturbed over a growing trend for these texts to become unjustifiably long. We think there is a danger of losing sight of the fundamental goal of establishing optimal conditions for effective utilization of the world's oceans if we adopt too many provisions that do not directly relate to the subject of the resolutions. We call on States in future to reach agreement on resolutions that concentrate on the basic issues relating to the oceans and not to overburden the texts with narrow specialized provisions which are already reflected in the documents of other organizations.

In conclusion, I thank the coordinators of the consultations on the draft resolutions on sustainable fisheries (A/63/L.43) and on oceans and the law of the sea (A/63/L.42), Ms. Holly Koehler and Mr. Henrique Rodrigues Valle, respectively. We also thank Mr. Václav Mikulka, Director of the Division for Ocean Affairs and the Law of the Sea, for the professional assistance provided to us.

Mr. Khaleel (Maldives): At the outset, allow me to thank the Secretary-General for the various reports he has submitted under agenda item 70, "Oceans and the law of the sea". We believe the reports provide a good basis to guide our deliberations today. We would also like to take this opportunity to express our sincere appreciation to the coordinators for their efforts to facilitate agreement on the two draft resolutions before the Assembly (A/63/L.42 and A/63/L.43).

The ocean is of extreme economic, social and geopolitical significance to the Maldives, an archipelagic State that stretches over a total area of approximately 90,000 square kilometres. The international regime governing the oceans and the law of the sea plays a very important role in the daily lives of the Maldivian people, as our main economic

revenues are derived from the fishing and tourism industries. The Government bears the primary burden in the protection and conservation of the country's marine resources. The domestic legal framework, established under the United Nations Convention on the Law of the Sea therefore accords protection to our marine resources and security in our maritime zones.

The Maldives has designated several marine protected areas and encourages eco-sensitive fishing methods that further protect endangered and threatened species. Such conservation and sustainable use of the biodiversity of marine protected areas is intimately linked to the welfare of Maldivians.

Therefore, the importance of the management of sustainable fisheries, given its primary role in ensuring food security for our people, cannot be overemphasized. In this regard, the Maldives welcomes the study prepared by the Secretariat on the assistance and measures available to developing States, least developed countries, small island developing States and coastal African States in their efforts to realize the benefits of sustainable and effective development of marine resources and use of the oceans within their national jurisdictions, contained in document A/63/342.

The challenges posed by the vast seas and sensitive marine ecosystems of small island developing States are further exacerbated by changes in the environment as noted in the Secretary-General's report. Climate change continues to worsen the conditions of coastal erosion, coral bleaching, sea-level rise and the deterioration of our marine ecosystems. Such adverse effects are of particular concern to small island developing States, such as the Maldives, which are living through the dire effects of ongoing global recession and rising food and fuel prices, leading to a downturn in our sustainable development. As the Maldives has continued to emphasize in various international forums, the extensive developmental efforts achieved by the country over the years are being consistently threatened due to the impact of climate change. Although numerous efforts are under way to adopt mitigatory and adaptive measures, our lack of resources and technical expertise constrains our ability to fully realize them.

Given our vast sea area, the Maldives remains concerned by the increased use of the oceans and the territorial waters of coastal States for such illegal activities as piracy, illicit trafficking in arms and drugs,

and illegal, unregulated and unreported (IUU) fishing. In particular, the Maldives wishes to express its concern over the adverse effects of IUU fishing in our exclusive economic zone. IUU fishing undermines national efforts to conserve and manage highly migratory fish stocks, which, if unchecked, could result in the loss of socio-economic development opportunities.

The advancement of science and technology is crucial for the sustainable management of the marine environment, biodiversity and marine ecosystems. Access to modern technology and information-sharing, especially in the regional and subregional context, can serve as an important basis for improving human security. In this regard, in the aftermath of the lessons learned from the Asian tsunami of 2004, the Maldives has been working with its regional partners in establishing a tsunami early warning system.

It is against this factual backdrop that we stress the need for greater cooperation in our efforts to build and enhance the capacity of small island developing States. The Maldives notes with appreciation the opportunities afforded by the various trust funds established under the UNCLOS regime, especially those aimed at assisting developing countries in capacity-building and meeting their various obligations under the provisions of UNCLOS. We believe that such assistance is vital for national human resources development endeavours.

It is also imperative to redouble our collaborative efforts to further consolidate the international regime to ensure the equitable sharing of marine resources while respecting the sovereign rights and territorial integrity of States. States such as the Maldives focus enormous resources on the full protection of our waters and the marine environment. Accordingly, it is vital that small island States be assisted in carrying out these important processes. For oceans are a shared resource vital for the sustenance and well-being of humankind.

Mr. Goledzinowski (Australia): Australia has the honour of sponsoring both of the draft resolutions before us today (A/63/L.42 and A/63/L.43). We wish to thank the coordinators of those draft resolutions, Ambassador Henrique Valle of Brazil and Ms. Holly Koehler of the United States respectively, both of whom did excellent work. The draft resolutions continue to raise issues of key importance for Australia, including the use of precautionary reference

points to sustain fish stocks, bottom fisheries, high seas governance and ocean fertilization.

Australia has grave concerns about the sustainable management of the world's fish stocks and supporting ecosystems. There is ample evidence of continuing overfishing, illegal fishing and destructive practices, which are symptomatic of poor cooperation and insufficient control by many States. However, we are gratified that in this year's draft resolution on sustainable fisheries we have agreed to cooperate in applying the precautionary approach to fisheries and an ecosystem approach to the conservation, management and exploitation of fish stocks. We are also encouraged by our progress in agreeing to set precautionary reference points to sustain fish stocks and to take action to stop destructive fishing practices. In that second respect, we mention the cooperation to establish an excellent fisheries management organization in the South Pacific and the outstanding progress made in agreeing to interim management measures, consistent with General Assembly resolution 61/105, that have put controls in place on destructive fishing practices.

Resolution 61/105 was an important step forward in regulating bottom fishing and managing the impacts of fishing on vulnerable marine ecosystems. Australia continues to work within regional fisheries management organizations and arrangements (RFMOs/RFMAs), both existing and under development, to regulate bottom fisheries in accordance with resolution 61/105, and we welcome all efforts to adopt and implement these measures thus far. Resolution 61/105 called for the implementation of certain aspects by 31 December this year, and Australia urges States and RFMOs to expedite efforts, where necessary, to meet that deadline. Importantly, the General Assembly will review implementation of the calls made in resolution 61/105 next year, based on a report that will be drafted by the Secretary-General. Australia urges all States and RFMOs to assist the Secretary-General by providing all relevant information for that purpose.

Australia also continues to implore all States that have not yet done so to ratify the United Nations Fish Stocks Agreement and to join each regional fisheries management organization or arrangement where they have an interest.

Australia sees significant inroads being made, but unfortunately there is still an enduring backdrop of under-regulation and poor control of the fishing activities sanctioned by many States. Each State joining with the draft resolution before us must attach due weight to the matter and take direct responsibility for appropriate action. If we can expect that that will be done, there is every reason to anticipate significant progress in remedying the many problems we have highlighted.

Australia has played a leading role in discussions on marine biodiversity beyond national jurisdiction, and we welcomed the second meeting of the 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 earlier this year, which we had the honour of co-chairing with Mexico.

The international community is faced with a number of challenges from both existing and new activities on the high seas, including overfishing, destructive fishing practices, pollution, climate change and ocean fertilization. It is important that adequate arrangements and governance structures be in place to ensure the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. In this connection, efforts should be accelerated to develop ways to meet our collective World Summit on Sustainable Development commitment to establish representative networks of marine protected areas by 2012.

We would like to see further progress on those issues and, in that regard, look forward to a third meeting of the Ad Hoc Working Group to discuss ways to improve the governance of marine biodiversity beyond national jurisdiction and to further investigate ways to effectively implement existing obligations.

Australia is pleased at the level of engagement and discussion on ocean fertilization, which reflects the importance of addressing that issue in a global and cooperative way. We are particularly pleased at the inclusion of language welcoming the recent resolution on the regulation of ocean fertilization by the London Protocol and Convention, and we will continue to support and promote the London Protocol and Convention as the appropriate regulatory mechanism for ocean fertilization. We will also continue to pursue

legally binding options for regulation within that forum.

The United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea has demonstrated success in its role of providing advice to the General Assembly on new and emerging oceans issues. It is an informal process open to stakeholders and technical experts as well as Governments. Indeed, there is no other process in the United Nations system that performs that essential role. Australia will participate constructively in the review of the achievements of the Process next year, which we expect will provide the opportunity to further enhance the value of the Process in the future.

Another area of discussion this year relates to the laws and regulations applying to transit passage in international straits. We note that paragraph 77 of the draft resolution on oceans and the law of the sea (A/63/L.42) refers to, *inter alia*, the need to ensure the safety of navigation and the rights of transit passage.

In 2006, Australia enacted measures designed to ensure the safety of navigation and to protect the marine environment of the Torres Strait. Approximately 3,000 vessels transit the Torres Strait each year. In 2003, only 35 per cent of the vessels transiting the Strait carried a pilot. Independent analysis has established the risk of major grounding in the Torres Strait for unpiloted vessels, per transit, as 1 in 10,000. At 2,000 unpiloted transits a year, the risk of a major incident within years rather than decades was obvious to the Governments of Australia and Papua New Guinea. The Torres Strait is widely regarded as the most difficult-to-navigate strait used for international navigation. It is narrow, treacherous and subject to tropical storms and cyclones. Since the system of pilotage was introduced in 2006, the uptake rate of pilots in the Torres Strait has been 100 per cent.

The Torres Strait contains a unique marine ecosystem and provides a critical habitat for many vulnerable and endangered species. It has been recognized as the most important dugong habitat in the world. Several thousand culturally and linguistically unique peoples live in small coastal communities in and around the Torres Strait. These communities depend on semi-subsistence marine harvesting. There is also a multi-million-dollar commercial fisheries industry in the Strait.

Groundings or collisions would limit traffic in the Strait. A grounding in the very narrow, shallow sea lanes could block the Strait and could take weeks to clear. As a result of the limited water exchange in and out of the Torres Strait, any pollution could remain in the Strait for a lengthy period of time. There is the potential for significant adverse and prolonged impacts on the marine environment, on indigenous and commercial fisheries and on the lifestyle of the Torres Strait Islander and Papua New Guinean peoples living there. The lifestyle and culture of the local inhabitants would be seriously endangered in the event of a major incident in the Strait. Such an incident would also risk the extinction of a range of indigenous species. Depending on tidal conditions, the northern reaches of the World-Heritage-listed Great Barrier Reef could be endangered by an incident.

In short, the system of pilotage instituted by the Governments of Papua New Guinea and Australia is necessary to facilitate safe and expeditious passage through these treacherous and narrow waters and to protect the marine environment. Those measures have been adopted in a manner entirely consistent with international law, including the Convention. The environmental sensitivity of the Torres Strait and its navigational hazards make the pilotage system an essential safeguard and common-sense precaution for the Strait.

We disagree with the assertion that the system of pilotage in the Torres Strait sets a precedent that can be replicated anywhere. The Torres Strait is unique, and the system of pilotage is a *sui generis* response to the challenges posed by the Strait. That system does not set a precedent with regard to other international straits, given that it is founded on a designation of the International Maritime Organization (IMO). The process for gaining IMO approval for a pilotage regime is very stringent and requires the consent of all littoral States and the unanimous adoption of a resolution through the IMO.

Australia remains convinced of the need for its system of pilotage and of that system's consistency with international law, and we will continue to engage constructively with others on the issue. But those who would criticize the actions of the littoral States in this case should ask themselves the following question: Given the clearly established risk of a major grounding and the catastrophic consequences that would result, what responsible Government would not take common-

sense precautions, as Australia and Papua New Guinea have done, to protect a fragile natural environment and the people indigenous to that environment?

Mr. Maqungo (South Africa): South Africa would like to thank the Secretary-General for his reports under agenda item 70, "Oceans and the law of the sea", as contained in documents A/63/63 and Add.1, as well as for the study contained in document A/63/342. We also wish to express our gratitude to the coordinator on the omnibus draft resolution on the law of the sea (A/63/L.42), our colleague from the Brazilian delegation, and to our colleague from the United States delegation, who facilitated and coordinated the draft resolution on fisheries (A/63/L.43).

South Africa recognizes that ocean resources and their use are essential for the development and welfare of all States, particularly coastal developing States, whose populations' sole source of protein is food fished from the sea. We are therefore deeply concerned at the unsustainable rate of the exploitation of marine resources, which is exacerbated by illegal, unreported and unregulated fishing. We attach great importance to the conservation, management and sustainable use of marine living resources in the world's oceans as a basis for sustainable development.

It is important to seek measures to prevent and control ocean pollution in order to further protect and preserve the marine environment. Pollution from land-based activities has contributed to the destruction of marine habitats. In that regard, we need to do more to raise awareness about the effects of industrial discharge and of illegal and operational discharges into the world's oceans and seas as a result of shipping activities.

With regard to the issue of the impact of climate change on the oceans, we note that climate change continues to pose a significant threat to marine living resources and to people whose livelihoods depend on the sea. Further, climate change increases the risk that coastal areas will be exposed to erosion, changes in sea surface temperature, sea level rise and ocean acidification, to name but a few threats. Climate change is affecting the distribution of marine and freshwater marine living resources. We believe it is imperative to mitigate the impact of climate change on the oceans and to assist developing States, particularly

coastal and small island States, in adapting to the effects of climate change.

My delegation is shocked at the growing number of acts of piracy and armed robbery against ships off the coast of Somalia. The ocean highways play a vital role in international commerce through the transportation of commodities. Therefore, preserving and enhancing maritime safety and security is of utmost importance. States must share the responsibility for addressing threats and challenges to maritime safety and security in order for them to enjoy the benefits of safer and more secure oceans. The limited capacity of the Government of Somalia to maintain security in its territory and the absence of an effective peacekeeping force to assist Somalia make it all the more challenging to curb the scourge of piracy off its coast.

We welcome the new States parties to the United Nations Convention of the Law of the Sea and call upon those that have not ratified the Convention to do so in order to create a universal framework for cooperation among nations on all aspects relating to the oceans. We also welcome the new ratifications of the United Nations Fish Stocks Agreement and urge those States that have not yet done so to also ratify that important agreement.

We wish to take advantage of the presence in the Hall of the outgoing Secretary-General of the International Seabed Authority, Mr. Satyr Nandan, to pay public tribute to him and to express our gratitude for the services that he has provided to the International Seabed Authority. We also wish to congratulate his successor, Mr. Nii Odunton and to affirm our cooperation with him in his important duties.

Within the law of the sea framework, there is also the International Tribunal for the Law of the Sea. We want to call for greater use of the Tribunal to resolve maritime disputes.

The Acting President (*spoke in Spanish*): In conformity with General Assembly resolution 51/6 of 24 October 1996, I now give the floor to His Excellency Mr. Satyr Nandan, Secretary-General of the International Seabed Authority.

Mr. Nandan (International Seabed Authority): I would like to take this opportunity to highlight some of the most important developments in the work of the

International Seabed Authority over the past 12 months.

First, however, I wish to make brief reference to paragraph 33 of draft resolution A/63/L.42, which takes note of the progress made by the Authority in its deliberations and encourages the finalization of regulations for prospecting and exploration for polymetallic sulphides as soon as possible.

I would like to inform the Assembly that, at its 2008 session, the Council of the Authority continued to make good progress in its work of elaborating these regulations. As a result of intensive work, it was possible to resolve many of the outstanding issues with respect to the draft regulations, particularly the environmental issues that had been of concern to many delegations at previous sessions. In particular, the addition of a comprehensive review clause gave a much-needed assurance to many members of the Council that it would be possible to revisit critical parts of the proposed regulatory regime in the future in the light of experience and improved economic and scientific knowledge.

It is important to continue this work at the next session, and I believe that most members of the Council are committed to bringing it to a conclusion in 2009. I believe that this is an important goal, because recent exciting scientific discoveries mean that it is quite likely that one or more States will wish to pursue exploration licences in the near future. It is essential in these circumstances that the regulatory framework not be delayed unnecessarily.

The growing interest in seabed mineral resources was demonstrated by the fact that earlier this year the Authority received two new applications for licences to explore for polymetallic nodules in the international seabed area. These applications are still under consideration by the Authority's Legal and Technical Commission and will be considered further during the fifteenth session of the Authority, in 2009.

Nevertheless, the applications are highly significant for two reasons. First, they cover areas of the prime nodule province in the Central Pacific Ocean that are reserved for the conduct of activities by the Authority or by developing States.

Secondly, they are the first applications to have been made to the Authority by a private sector applicant sponsored by developing States, in this case

the Governments of Nauru and Tonga. This is in contrast to the situation with regard to existing contractors with the Authority, all of which are Government-sponsored enterprises and which had commenced their exploration activities during, or in some cases even before, the pioneer regime contained in resolution II of the third United Nations Conference on the Law of the Sea was adopted.

This is a very interesting development for the Authority and for the international community as a whole. For one thing, it will provide a valuable test of the effectiveness and integrity of the international machinery that has been developed through the Convention, the 1994 Agreement and the rules and regulations of the Authority. For another, private sector involvement in the development of marine mineral resources in the international seabed area may well act as a catalyst for other contractors with the Authority, most of whom have been content to carry out their activities at a very slow and deliberate pace.

Another major development in the work of the Authority during 2008 was a proposal to set aside certain areas of the Central Pacific Ocean for the purposes of environmental protection and to safeguard biodiversity. This proposal, which is now under consideration by the Legal and Technical Commission, is based on extensive scientific and geospatial analysis of the environmental characteristics of the areas concerned over a period of several years.

The potential need to set aside areas to preserve their unique flora and fauna was recognized by the drafters of the Convention itself. Under article 162, paragraph 2 (x), of the Convention, the Council of the Authority has the power to disapprove areas for exploitation where substantial evidence indicates the risk of serious harm to the marine environment.

Similarly, under the regulations governing exploration for polymetallic nodules, contractors are required to designate so-called preservation reference zones where no mining shall occur in order to ensure representative and stable biota of the seabed. I very much hope that the Legal and Technical Commission will be in a position to make a specific and fully reasoned proposal to the Council in 2009 on this matter.

I am pleased to inform the Assembly that I have just returned from Rio de Janeiro, Brazil, where last week the Government of Brazil graciously hosted a

seminar on the marine mineral resources of the South and Equatorial Atlantic Ocean. This was the second such regional seminar convened by the Authority, the first having taken place in Indonesia in 2007.

Like the previous event, the seminar in Brazil was a great success, bringing together international scientific and technical experts as well as a broad cross-section of technical personnel from Brazil and representatives of a number of African States with an interest in the Equatorial Atlantic Ocean.

I would like to convey my appreciation to the Government of Brazil for its initiative in deciding to host the seminar and for its excellent hospitality. The proceedings of the seminar will be made available to all in due course.

The third regional seminar is due to be held in Abuja, Nigeria, in the first part of 2009.

I note with appreciation paragraph 35 of draft resolution A/63/L.42, which calls upon members of the Authority to pay their assessed contributions in full and on time. Although, regrettably, some members have allowed arrears to build up, I believe that in most cases this is due to inadvertence. In general, it is gratifying to observe that, during the past 12 years, members of the Authority have shown a commendable readiness to pay their assessed contributions promptly. I thank all members for their support in this respect.

With respect to paragraph 36 of the draft resolution, I am very pleased to announce that, in the light of the positive experience we had in 2008 as a result of bringing forward the dates for the annual session of the Authority, the fifteenth session of the Authority, in 2009, will be held in Kingston from 25 May to 5 June. It will be preceded by a one-week meeting of the Legal and Technical Commission. I would remind members, nevertheless, that there is no room for complacency and I urge them to ensure that they are represented at the meetings of the Authority in Kingston, especially as there are a number of important decisions to be taken at the next session.

Last year, I informed the Assembly of the establishment by the Authority of its Endowment Fund for the promotion of marine scientific research. Since last year, the necessary administrative and practical arrangements have been put in place to enable the Fund to begin its operations. In addition, the secretariat has worked throughout the year to establish partnerships

with a number of leading scientific and technical institutions around the world which are interested in collaborating with the Authority by providing training opportunities for personnel from developing countries.

The practical arrangements that have been made include the appointment of a panel of experts to advise the Secretary-General on applications for assistance from the Fund. The panel met recently for the first time and it gives me great pleasure to report that, as a result, the Authority will shortly announce the opening of applications for the first opportunities to be supported by the Fund, which will take the form of fellowships. I wish to encourage qualified scientists from developing countries to apply for these opportunities for training and capacity-building.

I also wish to once again encourage Member States, international organizations, academic, scientific and technical institutions, philanthropic organizations, corporations and private persons to contribute to the Fund. In this regard, I wish to acknowledge with gratitude the Governments of Mexico, Spain and the United Kingdom for making contributions to the Fund in 2008.

As many will be aware, this is the last occasion upon which I shall address the Assembly in my capacity as Secretary-General of the International Seabed Authority. My term of office comes to an end on 31 December. I would like to take this opportunity to congratulate my successor, Mr. Nii Allotey Odunton of Ghana, on his election as Secretary-General of the Authority and to wish him well. I also wish to express my sincere appreciation to member States for the support they have given to me during my term in office and in my various capacities and to thank them all for placing their trust in me. It has been a privilege to serve the international community and, in particular, to contribute towards the establishment of the Authority as one of the key institutions created by the Convention. I would like to especially thank those delegations who have made kind and generous remarks about me during this debate.

Over the past 35 years, since the beginning of the third United Nations Conference, I have had the extraordinary privilege to have been associated with most of the developments in the law of the sea. A number of milestones stand out. In the early days, there was the long and painstaking process of weaving together the complex and multifaceted provisions of

the Convention into a coherent whole in order to achieve broad agreement. Then the Convention was adopted in 1982. After 1982, I also witnessed the work of the Preparatory Commission in my capacity as the Under-Secretary-General for Ocean Affairs and the Law of the Sea and the Special Representative of the Secretary-General for the Law of the Sea. Another milestone took place in 1994 when the outstanding issues with respect to part XI of the Convention were finally resolved through the 1994 Agreement. This opened the door for universal participation in the Convention, which in turn has led to the current situation where there are 158 parties to the Convention.

There were other challenges to the Convention in the 1990s, particularly the question of how to solve the problem of severe depletion of global fish stocks. This led to the 1995 adoption of the second implementation agreement, the Fish Stocks Agreement, in which again I was fortunate to have been closely involved as Chairman of the Conference. Following the entry into force of the Convention in 1994, it was necessary to establish the various institutions created by the Convention, including the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission for the Limits of the Continental Shelf. It has been my great privilege to have been entrusted with the establishment of the Authority and guiding it to the point of being fully operational.

What is most remarkable is that, at each stage, the Convention has been further strengthened. It continues to be applied with a remarkable degree of uniformity and consistency, such that we had never envisaged or foreseen during the Conference. Any issues that have arisen we have been able to resolve

through the technique of implementing agreements within the framework of the Convention. In this regard, one characteristic of the Convention is its flexibility. While it contains important principles, it also contains internal flexibility which allows for further development of those principles. This gives me confidence that as new issues arise they can be resolved within the framework provided by the Convention without upsetting the fundamental balance that has led to its broad acceptance and wide application in State practice.

It is important nevertheless for those who believe in order in the oceans to be vigilant and to guard against the temptation to assert rights beyond what is provided for in the Convention. It is in the interests of everyone to preserve the basic principles of good order and peaceful use of the oceans enshrined in the Convention. I have every confidence that, unlike the 1958 Conventions related to the law of the sea, this Convention will endure.

Programme of work

The Acting President (*spoke in Spanish*): Given the lateness of the hour, we will take action on the following draft resolutions tomorrow morning after considering the reports of the Special Political and Decolonization Committee (Fourth Committee): draft resolutions A/63/L.42 and A/63/L.43, under agenda item 70; draft resolution A/63/L.23, under agenda item 45 "Culture of peace"; draft resolution A/63/L.44, under sub-item (r), and draft resolution A/63/L.46, under sub-item (o) of agenda item 114, "Cooperation between the United Nations and regional and other organizations".

The meeting rose at 6 p.m.