



General Assembly

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57th plenary meeting

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Official Records

President: Mr. Ali Abdussalam Treki (Libyan Arab Jamahiriya)

In the absence of the President, Mr. Mohamed (Maldives), Vice-President, took the Chair.

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

Agenda item 76 (continued)

Oceans and the law of the sea

(a) Oceans and the law of the sea

Reports of the Secretary-General (A/64/66 and A/64/66/Add.1 and Add.2)

Report on the results of the assessment of assessments (A/64/88)

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its tenth meeting (A/64/131)

Report on the work of the Ad Hoc Working Group of the Whole to recommend a course of action to the General Assembly on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects (A/64/347)

Draft resolution (A/64/L.18 and Corr.1)

(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/64/305)

Draft resolution (A/64/L.29)

Mr. Limeres (Argentina) (*spoke in Spanish*):
Allow me at the outset to congratulate and thank both coordinators, Ms. Holly Koehler of the United States and Ambassador Henrique Valle of Brazil, for having led with remarkable professionalism the negotiations on the draft resolutions before the General Assembly today. We also welcome the presence among us of the President of the International Tribunal on the Law of the Sea, Judge José Luis Jesus, and the Secretary-General of the International Seabed Authority, Mr. Nii Allotey Odunton.

The United Nations Convention on the Law of the Sea is one of the clearest contributions to the strengthening of peace, security, cooperation and friendly relations among all nations. At the same time, it is one of the international instruments with the greatest economic, strategic and political ramifications.

The goal of the negotiators of the Convention was to settle all issues relating to the law of the sea in one single instrument. Its provisions, therefore, strike a delicate balance between the rights and duties of

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States. That balance took shape over nine years of negotiation and must be preserved by all States, both individually and as members of international organizations with competence in ocean affairs and of organizations of any kind.

The time elapsed since the Convention's adoption in 1982 has proven that it is a true "constitution of the oceans", with a clearly universal character. In that regard, we welcome its ratification by Chad, the Dominican Republic and Switzerland.

The Argentine delegation will, at the appropriate time, make a statement in explanation of our position on the draft resolution on sustainable fisheries (A/64/L.29) to be adopted by consensus today. Nevertheless, we would like to take this opportunity to refer to some of the issues dealt with in that draft resolution and in the draft resolution on oceans and the law of the sea (A/64/L.18).

The question of biodiversity beyond the limits of national jurisdiction is one of the emerging issues of the law of the sea. In February 2010, the second next meeting of the Ad Hoc Open-ended Informal Working Group established by resolution 59/24 will be held. In that regard, Argentina is concerned about certain proposals put forward during the negotiations of the draft resolution on oceans and the law of the sea the result of which could have overburdened the Working Group at a time when it has not yet concluded an extremely important debate, that on the legal regime applicable, under the Convention, to genetic marine resources in areas beyond national jurisdiction.

In addition, in that connection my delegation wishes to highlight that in recent years the use of the ambiguous term "areas beyond national jurisdiction" has led to a certain level of confusion on how to deal with the conservation and use of those resources in the two maritime areas beyond national jurisdiction in question, namely, the high seas and the Area.

We would therefore like to recall once again that the question of the legal regime is still outstanding, as reflected in paragraph 142 of the draft resolution that we are about to adopt (A/64/L.18). This issue should be addressed within the context of the mandate of the Working Group, with a view to making progress. My country expects that in the course of that work, Member States will take into account the fact that one of the purposes of the Convention was to develop the principles embodied in resolution 2749 (XXV) of 17

December 1970. In that resolution, the General Assembly solemnly declared, *inter alia*, that the area of the seabed and 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".

This year, at the nineteenth Meeting of States Parties to the Convention, the possibility of addressing a substantive issue was discussed. Regardless of the merit of each issue, my country has consistently maintained that the Meeting of States Parties is the competent forum, under article 319, in which to address any issue relating to the interpretation and application of the Convention. This is also consistent with the general rule of the law of treaties, namely, that the authentic interpreters of any treaty are its parties.

My country believes that special consideration should be given to the question of the outer limit of the continental shelf beyond 200 miles. Argentina made its complete submission to the Commission on the Limits of the Continental Shelf on 21 April 2009. On 26 August, during the twenty-fourth session of the Commission, my country made its oral presentation.

The Commission has received 51 submissions and more than 40 preliminary informational presentations to date. More are to come in the future. Its workload is a matter of the outmost importance, in particular in the light of the future timeline the President of the Commission presented at the most recent Meeting of States Parties. The picture he painted for us is frustrating for most of the coastal States that have made submissions, as we will have to wait a long time for the Commission's recommendations.

My delegation would therefore like to highlight two aspects of this matter. On the one hand, it is urgent that parties to the Convention consciously address the question of the Commission's workload so that it can fulfil its duties in an expeditious, efficient and effective manner. On the other hand, it is now more important than ever to remind all States that the work of the Commission has to do with drawing the limit, not with the rights of coastal States, and that article 77 paragraph 3 of the Convention provides that:

"The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation."

That reminder is reflected in paragraph 40 of the draft resolution on oceans and the law of the sea (A/64/L.18).

As regards the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects, my country participated actively in the Ad Hoc Working Group that considered, in August 2009, the assessment of assessments (A/64/88, annex) and made recommendations to the General Assembly in that regard. Argentina is of the view that all of those recommendations are pertinent and should be implemented by the Assembly. In particular, I would like to highlight that the follow-up to the regular process should be carried out by an intergovernmental forum, that equitable geographic distribution in the constitution of the panel of experts should be respected and that capacity-building should be ensured for the effective participation of developing countries. Besides that, the essential legal framework of the regular process is the Convention. With that in mind, the Working Group also recommended that secretariat services for the regular process be provided by the Office for Ocean Affairs and the Law of the Sea of the Secretariat in New York.

Another aspect of the draft resolutions that we will adopt to which my country attaches particular importance is the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea established by resolution 54/33. Argentina supported the review of the Process, which took place this year at its tenth meeting, in the understanding that its continuation depends on its being redirected back its original objectives, which are closely linked to sustainable development.

During the discussions at the tenth meeting, it was clear that many delegations considered that the Consultative Process should not be a negotiating forum, but one for coordination and exchange of views, and also that the Consultative Process is not a forum for the interpretation of the law of the sea that is already in force. My country believes that those issues should be duly taken into account when the General Assembly considers, at its sixty-fifth session, the renewal of the Consultative Process.

Another issue that was insistently stressed during the review of the Consultative Process was the need to adequately incorporate the development prospective in

the consideration of every topic. Thus we welcome the fact that, on the basis of a proposal made by the Group of 77 and China, the General Assembly decided that the next meeting of the Consultative Process will be devoted to the topic of capacity-building in oceans and the law of the sea, including marine science. We believe that the consideration of the topic should be broad and should include the transfer of technology. That issue, to which a whole part of the Convention — Part XIV — is devoted, is possibly the one in which there is the greatest gap in the application of the Convention and is, at the same time, the main vehicle for capacity-building in the field of marine sciences.

As regards the draft resolution on sustainable fisheries (A/64/L.29), the first review of the implementation of resolution 61/105 took place this year.

Already in the sixty-fourth session, my country has recalled that the sedentary resources of the continental shelf are subject to the sovereignty rights of the coastal States in the whole extension of that maritime area. Therefore, conservation and management of such resources is under the exclusive authority of coastal States, which have the responsibility of adopting the necessary measures regarding such resources and their associated ecosystems that could be affected by fishing practices that can have a destructive impact. We also stated at that time that Argentina was taking the necessary steps to adopt that type of measures for the conservation of sedentary resources throughout its continental shelf and called on other coastal States to exercise the same responsibility.

Without prejudice to that, Argentina considered it appropriate, at that moment, to propose the inclusion of operative paragraph 104 of resolution 63/112, in order to prevent any interpretation that could suppose ignorance of the exclusiveness of the rights of the coastal State over the areas of its continental shelf situated beyond 200 miles.

However, the report of the Secretary-General (A/64/305), in its section III.B.5, on actions taken by States for areas where no competent regional fisheries management organizations and arrangement exists, shows that in some States and in one regional organization there can be confusion as to the measures that should be adopted with respect to high seas fishing undertaken under the responsibility of the flag State, on

the one hand, and, on the other, the measures related to conservation of resources and vulnerable marine ecosystems in the seabed and subsoil that are subject to the jurisdiction of the coastal State when such seabed and subsoil are part of its continental shelf beyond 200 miles.

In that context, the Argentine delegation makes express reservation regarding what is expressed in paragraphs 178, 179, 180 and 181 of the report in document A/64/305 and expects that future contributions of States or international organizations to the reports of the Secretary-General regarding this issue will include all the information needed to examine whether the activities that were undertaken are in conformity with international law in force.

The application of conservation measures or the carrying out of research recommended in the resolutions of the General Assembly, in particular resolution 61/105 and concurrent resolutions, have as their unavoidable legal framework the international law of the sea in force, as reflected in the Convention. Thus it is not conceivable that implementation of such resolutions could be cited as justification for denying or ignoring the rights established in the Convention.

Alert to that type of situation, the General Assembly, in paragraph 115 of its draft resolution on sustainable fisheries (A/64/L.29), would remind all States that

“nothing in the paragraphs of its resolution 61/105 and the present resolution addressing the impacts of bottom fishing on vulnerable marine ecosystems prejudices the sovereign rights of coastal States over their continental shelf or the exercise of the jurisdiction of coastal States with respect to their continental shelf under international law as reflected in the Convention, in particular article 77”.

In the same vein, the Assembly, in paragraph 123 of the same draft resolution, when encouraging States and international regional fisheries organizations to develop and strengthen procedures and research programmes for identification of vulnerable marine ecosystems, assessment of impacts and assessment of fishing activities on target and non-target species, would recall that those activities must conform to the Convention, including Part XII. Part XIII of the Convention, which contains the regime for marine

scientific research, provides, in article 246, paragraph 2, that

“(m)arine scientific research in the exclusive economic zone and on the continental shelf shall be conducted with the consent of the coastal State.”

Also in relation to fisheries, my country wishes to highlight its concern about an incipient trend of some States to try to interpret passages in Assembly resolutions as providing for the possibility of regional fisheries management organizations adopting some type of measure with respect to vessels whose flag States neither are members of such organizations nor have expressly consented the application of such measures to their vessels. My country is convinced that such interpretations are not in conformity with international law in force and that nothing in the resolutions of the General Assembly can be construed as to support such interpretations.

Finally, as every year when the report of the Secretary-General on oceans and the law of the sea is considered, Argentina wishes to acknowledge the team in the Division for Ocean Affairs and the Law of the Sea for its professional and devoted work and for the assistance that it spontaneously provides to Member States in the matters of its competence.

Mr. Sinhaseni (Thailand): I have the honour to share Thailand's views on agenda item 76, on oceans and the law of the sea.

Thailand shares the growing concern of the international community over the threat posed by illegal, unreported and unregulated (IUU) fishing, particularly to the sustainable management of fish stocks. We therefore welcome the recent adoption by the Food and Agriculture Organization Conference of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

Thailand respects the right of coastal States to enact laws and regulations in exercise of their sovereign rights to explore, exploit, conserve and manage living resources in their Exclusive Economic Zones (EEZ). At the same time, measures taken by a coastal State to ensure compliance with those laws and regulations should be proportionate to and in line with the provisions of Article 73 of the United Nations Convention on the Law of the Sea, relating to

enforcement of laws and regulations of the coastal State, including the fundamental principle of due process of law.

Furthermore, we attach great importance to well-established rules of customary international law as recognized and codified by the Convention, namely, the right of innocent passage in territorial seas, the right of transit passage in straits used for international navigation, and freedom of navigation in the EEZ of another State. Therefore we would like to reaffirm our position as stated in the letter dated 18 February 1993 from the Permanent Representative of Thailand addressed to the Secretary-General as reproduced in document A/48/90, dated 22 February 1993.

With respect to maritime safety and security, Thailand has always supported international efforts and initiatives against piracy and armed robbery, both at the regional and international levels. In that regard, we note with appreciation the adoption of Security Council resolution 1897 (2009) on 30 November, which constitutes a renewed basis for international action against piracy and armed robbery at sea off the coast of Somalia, with particular attention to the investigation and prosecution process.

We note with concern that a growing number of hijacked vessels are fishing boats. Such vessels are particularly prone to attack, since pirates perceive economic value in them, for which the vessel owners would be willing to pay. Accordingly, special attention should be paid to that matter, as well as to the safety and security of the fishermen. Here, Thailand commends the work of the International Maritime Organization in combating piracy by adopting a number of documents which provide guidance to the individuals and sectors concerned.

Mr. Okuda (Japan): Let me first join other delegates in thanking the facilitators of the two draft resolutions, Ambassador Henrique Valle of Brazil and Ms. Holly Koehler of the United States, for their tremendous work. I also wish to thank all Member States that worked together during informal consultations on the draft resolutions in the spirit of cooperation. My appreciation also goes to the Secretariat for its assistance.

Japan is pleased to sponsor draft resolution A/64/L.18, on oceans and the law of the sea. Japan is a maritime country surrounded by sea and depends on maritime transport for nearly all imports of energy

resources, including oil and minerals. As an island country with few natural resources, living marine resources and other natural resources located on the continental shelf and the deep seabed under its surrounding waters are crucial to Japan from an economic perspective. Consequently, we have a strong interest in the two agenda items and have been actively taking part in the discussions on the draft resolutions.

It is Japan's continuing concern that acts of piracy are still a serious threat off the coast of Somalia and in the Gulf of Aden. Japan takes the view that a multifaceted approach that includes assistance for maritime enforcement capacity-building and other medium- to long-term efforts in addition to operations by naval vessels must be pursued in order to effectively suppress piracy.

Japan has dispatched two destroyers and two P-3C patrol aircraft in the Gulf of Aden and off the Coast of Somalia. In June this year Japan enacted the Anti-Piracy Measures Law, which ensures domestic implementation of the provisions on piracy stipulated in the United Nations Convention on the Law of the Sea. In addition, Japan has contributed \$13.6 million to the International Maritime Organization Djibouti Code Trust Fund in an effort to assist the development of maritime enforcement capacity in coastal countries. Through that contribution, we will support implementation of the Djibouti Code of Conduct, including the launching of the regional centres for information sharing in Kenya, Tanzania and Yemen and a training centre in Djibouti.

Japan intends to maintain its commitment to cooperate in the activities based on the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia.

Regarding the Commission on the Limits of the Continental Shelf beyond 200 nautical miles, Japan fully recognizes the need to improve the situation concerning the Commission's workload, in view of the large number of submissions made by coastal States. Japan, as a State party to the Convention, will work together with other States parties in the process of the Informal Working Group on the workload of the Commission by participating actively in the efforts to find practical and effective solutions to this issue.

As regards the International Tribunal for the Law of the Sea, Japan highly appreciates the important role it has played in the peaceful settlement of disputes as

well as in the maintenance and development of the legal order of the sea. Japan will continue to support the Tribunal's valuable work.

Turning to the conservation of marine biodiversity beyond areas of national jurisdiction, the promotion of global conservation of biodiversity has become more important than ever, as the world will commemorate the International Year of Biodiversity in 2010. Japan recognizes the challenges facing the General Assembly in facilitating the protection of marine biodiversity beyond national jurisdictions and will continue to participate in a constructive way in the work of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biodiversity in that area.

As a responsible fishing State and a State party to the Convention on the Law of the Sea and the 1995 Fish Stocks Agreement, Japan is dedicated to addressing the promotion of sustainable use through the conservation and management of living marine resources and appropriate conservation of the marine ecosystem in cooperation with the parties concerned, through bilateral fisheries agreements, the Food and Agriculture Organization (FAO) and regional fisheries management organizations.

The problems of illegal, unreported and unregulated fishing activities and over-capacity are so serious for the sustainable use of living marine resources that it is urgent to tackle those problems on a global scale. Regarding the discussions in FAO on the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Japan would like to express its appreciation to FAO and the relevant States for their efforts that brought about the adoption of the draft Agreement by the FAO Conference after only one year of negotiation.

Japan continues to participate in consultations with the States and regions concerned regarding the establishment of an international mechanism for the management of high seas fisheries in the North Pacific Ocean and will take responsible actions based on this resolution. In May 2010, the Review Conference on the 1995 Fish Stocks Agreement will take place, with the participation of all Contracting Parties to the Agreement. Japan will continue its efforts towards strengthening the effectiveness of the Agreement in cooperation with other Contracting Parties.

In concluding, Japan expresses its hope that the draft resolutions before us, which resulted from intensive negotiations and a spirit of cooperation among Member States during the informal consultations, will be duly adopted at this session of the General Assembly.

Mr. Sullivan (Canada): It gives me great pleasure to be here today to talk about Canada's support for the resolutions on sustainable fisheries (A/64/L.29) and oceans and the law of the sea (A/64/L.18) and to discuss some of the issues of importance to Canada.

I should like to begin by thanking Ms. Koehler of the United States and Ambassador Valle of Brazil, coordinators of the sustainable fisheries and law of the sea resolutions, for having helped develop the resolutions we are considering today.

(spoke in French)

I should like to thank the United Nations Division for Ocean Affairs and the Law of the Sea for its support and excellent work. We also express our thanks to those delegates that ensured that the resolutions give priority to oceans and fisheries governance.

In my capacity as Canada's Ambassador for Fisheries Conservation, I have the privilege of working closely with our partners across the world towards the aim of creating more sustainable fisheries and looking after the health of ocean ecosystems.

(spoke in English)

The resolutions on sustainable fisheries and on oceans and the law of the sea are important to Canada, and we are pleased to be sponsoring them again this year. They acknowledge both the important work the international community has accomplished and the challenges that lie ahead.

Today, I should like to talk about Canada's three key priorities for international fisheries and oceans governance. They include ensuring that Member States implement their commitments, working together to identify gaps in implementation and working collectively to remedy those gaps.

We all acknowledge the United Nations Convention on the Law of the Sea as the legal framework that governs all oceans activities. The effective implementation and enforcement of the Convention and other relevant instruments must guide all our actions. Canada takes this seriously. To that end,

as acknowledged in these resolutions, the international community needs to effectively implement commitments already made and be prepared to establish new mechanisms where appropriate. We also need to ensure that information and scientific knowledge are effectively shared and that the particular challenges of developing States are considered.

Over the past few years, the global community has worked together and has achieved significant progress in making our oceans and fisheries healthier and more sustainable. But we must continue our efforts with added resolve as new information is developed and new approaches identified. As we strive to fulfil our obligations, it is important to recognize the challenges we face and work together to find solutions.

Canada believes that individual States and Regional Fisheries Management Organizations (RFMOs) play a critical role in implementing the United Nations Convention on the Law of the Sea and the United Nations Fish Stocks Agreement. We are pleased that States, both individually and within RFMOs, have taken up the challenge to implement modern fisheries management principles. We will continue to encourage the use of the best scientific information available in their decision-making, as RFMOs continue to reform and improve.

Canada is encouraged by the actions agreed to at the second joint meeting of tuna RFMOs for improving their management. We want to continue our efforts to strengthen coordination and cooperation among all tuna RFMOs. At its recent annual meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted stronger measures to protect and rebuild Eastern Atlantic and Mediterranean Bluefin Tuna stocks, in keeping with sound scientific advice. Now it will be a question of effective implementation and compliance.

In the past, Canada has been disappointed that scientific advice was not followed by ICCAT members and that overfishing continued. Canada will continue to press for sustainable management of tuna and tuna-like species within ICCAT and other RFMOs. We want to ensure that those organizations continue to move in that positive direction. We see this as a pivotal example of management bodies playing their role — a role that needs to be continuously assessed and improved, as with any management process.

Our efforts to close the gaps in fisheries governance are exemplified by the recent adoption by the members of the Food and Agriculture Organization (FAO) of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing. In our view, that Agreement will be an important new tool to tackle the problem of IUU fishing globally, and we hope for its early entry into force. We also call on FAO members to conclude work on improving flag State performance. Canada is eager to work with our international partners to strengthen sustainable fisheries and oceans management. We want to work with other countries to achieve our shared goal of reducing IUU fishing.

Now that the review of the implementation of elements of resolution 61/105 has been concluded, we note that significant progress has also been made to implement our commitments to protect vulnerable marine ecosystems while allowing responsible fishing to continue. We have identified gaps in some areas and recognize that urgent action is needed where those particular gaps exist. Canada was instrumental in providing leadership on this issue. Further discussions of technical aspects are planned at the FAO, and a further review at the United Nations is slated for 2011.

We believe our commitments in resolution 61/105 provide an effective framework for management. We hope that challenges can continue to be identified and addressed in the technical discussions.

An example of how we put this into practice in Canada was to work closely with our partners in the Northwest Atlantic Fisheries Organization (NAFO) to ensure their cooperation in managing fisheries in order to protect vulnerable marine ecosystems in the NAFO Regulatory Area.

As the Assembly knows, the United Nations Fish Stocks Agreement is at the heart of modern governance of high seas fisheries. It includes precautionary and ecosystem approaches and gives a predominant role to RFMOs. We are pleased that, since we met last year, another five States have become parties, namely, Mozambique, Panama, Tuvalu, Indonesia and Nigeria. The Agreement now has 77 States parties, 19 more States parties than at the time of the Review Conference in 2006.

Canada looks forward to the resumption of the Review Conference in May 2010. At the Conference, participants will examine the effectiveness of the

Agreement and seek new ways to strengthen its implementation. They will also review the progress made on the recommendations made at the 2006 Review Conference.

Around the world, scientists are making great strides to help us understand our ocean environment. Sound science must underpin all of our decision-making, from our fisheries decisions to ocean management. Science-based decision-making will not only enhance our understanding of complex ocean processes, but will also allow us to build a better picture of the state of our oceans. That is why we must continue our work to develop a global mechanism, a regular process, to deliver science-based information to the public and key decision makers.

Turning to the law of the sea, we note the current efforts of coastal States, including Canada, to delineate their continental shelves. Canada is concerned that the demands now placed on the Commission on the Limits of the Continental Shelf will result in lengthy delays between the filing of a submission and its consideration by the Commission. We share the concern of other States Parties that something must be done to ensure that the Commission can continue to perform its work effectively. Achieving this will likely mean difficult choices and testing new ideas.

With respect to piracy, Canada has demonstrated its commitment to international efforts to combat piracy off the coast of East Africa. We have sent Canadian warships to the region three times to take part in counter-piracy missions and to escort ships carrying humanitarian assistance to Somalia. Canada views the Contact Group on Piracy off the Coast of Somalia as the primary mechanism for the coordination of counter-piracy activities. In that respect, we must be careful not to propose projects or initiatives that would duplicate work already being conducted by the Contact Group or in other forums. Canada strongly supports international efforts to find long-lasting solutions to this issue.

Regarding the Informal Consultative Process, Canada was pleased with the open and frank discussions held this year. The Process provides a valuable platform for debate among experts, practitioners, decision makers and other stakeholders. We feel that that dialogue should continue. We look forward to our discussions next year on capacity-

building in ocean affairs and the law of the sea, including marine science.

On the world stage, Canada is demonstrating leadership in the areas of ocean conservation, protection and sustainability, domestically and internationally. We are influencing international priorities, decisions and processes. But no State can work in isolation when it comes to our oceans.

(spoke in French)

We are encouraged by the recent progress made to improve fisheries and ocean governance — whether through adopting the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, the work done to implement General Assembly resolution 61/105, or recent efforts to establish the regular process on the assessment of the state of the marine environment. We must now build on this momentum and focus on the challenges ahead.

(spoke in English)

We must seize this opportunity to turn our words into concrete action — to protect our oceans and marine environments for future generations. It is our global responsibility.

Mr. Liu Zhenmin (China) *(spoke in Chinese)*: With the advance of science and technology and the deepening of mankind's knowledge of the oceans, the interaction between mankind and the oceans has increased both in scope and in depth. Over the past several years, we have consistently advocated establishing and maintaining a harmonious marine order through action by the international community, with the aim of promoting sustainable, long-term development of the oceans.

In support of the importance of a harmonious marine order, the Chinese delegation has taken an active part in this year's informal consultations on the draft resolution under this item (A/64/L.18 and Corr.1). Here I would like to express my sincere gratitude to Ambassador Valle of Brazil and Ms. Holly Koehler of the United States for their contribution as coordinators in this area.

The Chinese delegation has noted the hard work of the members of the Commission on the Limits of the Continental Shelf. Since the United Nations Convention on the Law of the Sea (UNCLOS) took

effect, the work of the Commission has attracted increasing attention from the international community. To date, the Commission has received 51 submissions and 44 preliminary information submissions. It has been the consistent view of the Chinese Government that the division of rights and interests in ocean areas within and beyond national jurisdictions should be carried out in a scientific and reasonable manner, so as to enable coastal States, on the one hand, to fully exercise their sovereign rights and jurisdiction over continental shelves that constitute the natural prolongation of their land territories, and, on the other hand, to prevent the international seabed, which is the common heritage of mankind, from possible encroachment.

The Commission should fulfil its responsibilities in an impartial manner and abide strictly by the Convention on the Law of the Sea as a whole, so as to ensure that its work is consistent with the letter and spirit of the Convention and can stand the tests of science, law and time. My Government believes that the consideration by the Commission of submissions in accordance with article 76 and Annex II of the Convention should not prejudice the application by States of other parts of the Convention. We note that the draft resolution also confirms this point.

The work of the Commission and its results bear on the implementation of the Convention as an integrated whole, and thus deserve the serious attention of States and the relevant international organizations. At the same time, the international community should also focus on the difficulties that complex legal issues create for the work of the Commission, in order to explore ways to solve such issues. The Chinese Government will, as always, support the work of the Commission.

The Chinese delegation congratulates the International Seabed Authority on its achievements over the past year. Substantive progress has been made in formulating regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich crust. Although the knowledge of the international community about such new seabed resources is still very limited, the finalization of relevant regulations will definitely be helpful in building a framework for the development and utilization of new resources, facilitating the dynamic work of the Authority and promoting effective management by the international community of the seabed area and its resources, as well

as ensuring that all countries, including developing countries, can share in the results derived from them. We hope that all parties will work actively to seek solutions to outstanding issues and move for the adoption of the regulation on polymetallic sulphides at the Authority's sixteenth session.

The International Tribunal for the Law of the Sea is one of the judicial organs that, in accordance with the Convention, can be used to solve disputes concerning interpretation and application of the Convention. My Government has always valued and supported the important role of the Tribunal in the peaceful settlement of maritime disputes and the maintenance of international marine order.

As a responsible fishing country, China has made its contribution to sustainable fisheries development by committing to strengthening conservation and management measures, as well as by participating actively in the work of regional fisheries management organizations. I wish to reiterate here that the aim of international fisheries management should be to regulate fishing activities in order to achieve rational and sustainable utilization of fisheries resources, and at the same time to maintain a marine ecological balance and ensure the equitable distribution of fisheries resources among all countries.

The Chinese Government pays great attention to greenhouse gas emissions from vessels and has noted the work of the International Maritime Organization in that regard. We believe that the key to addressing that issue lies in upholding the principle of common but differentiated responsibilities, enshrined in the United Nations Framework Convention on Climate Change, and that emphasis should be put on increasing the energy efficiency of ships and vessels by using advanced technology.

Safeguarding maritime security and freedom of navigation is in the common interests of the international community and is given importance in the Convention. At present, rampant piracy in some areas has threatened daily maritime trade and the safety and security of ships and sailors. Together with other countries, China has taken vigorous measures to address such threats. In our view, effectively combating piracy calls for action to address both the symptoms and the root causes. While the international community needs to take concerted actions, greater attention should be paid to enhancing the capacity-

building of coastal States so as to help them to eliminate the economic, social and other problems that give rise to piracy.

In addition, the international community should respect the sovereignty of coastal States and the concerns of States in the region. China will continue to cooperate fully with the international community, including coastal States, in a joint response to the threat of piracy. We will actively participate in international actions in that regard and make our contribution to the peace, security and stability of the oceans.

Ocean affairs are sensitive and complex. The issues of the oceans are closely interrelated. Only through increased coordination and cooperation among States and international organizations will it be possible to effectively protect the integrity of the Convention, strike a reasonable balance among the interests of all parties and meet the various challenges in utilizing and protecting the oceans. We are pleased to note that the draft resolution has explicitly called for improved coordination and cooperation among States and international organizations.

Developing human society has always been closely related to the oceans. In a twenty-first century characterized by the pursuit of cooperation, win-win results and common development, the oceans represent a source of strength and hope for human development and progress. We call on the international community to make common efforts to build a harmonious marine order so that we can continue sustainable ocean development and mankind can benefit from oceans forever.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): At the outset, I would like to express appreciation to the Secretary-General for submitting the reports on ocean affairs to the General Assembly.

The Russian delegation advocates preserving the integrity and comprehensively strengthening the provisions of the United Nations Convention on the Law of the Sea of 1982, which should be implemented in the appropriate manner. The activities of States on the world's oceans should be carried out in strict compliance with the norms of the Convention. In particular, that applies to the freedom of the high seas, the right of States to transit passage through straits used for international navigation, the right of innocent archipelagic passage, the right of fishing on the high

seas and other no less important provisions of the Convention. We call on the States that have not yet done so to become parties to the Convention.

The Russian Federation positively views the work of the bodies established in accordance with 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 note the importance of making fuller use of their potential.

We would like to note in particular the role of the Commission on the Limits of the Continental Shelf. We emphasize the importance of full compliance by coastal States with the requirements of article 76 of the Convention, as well as with other relevant norms of international law, when making their submissions related to delineating the outer limits of the continental shelf beyond 200 nautical miles to the Commission. The Commission should strive for full and non-discriminatory compliance with the requirements of the Convention when considering those submissions.

The Commission, being a body comprised of experts in geology, geophysics and hydrography, does not have the authority to resolve the complex legal issues that it sometimes faces in the course of its work. That problem requires reflection and an appropriate solution. The Russian Federation recalls its proposal that the Commission submit a list of such legal issues to the States Parties to the Convention.

Another challenge is the significant increase in the Commission's workload. We support efforts to identify measures to optimize its work that would be feasible in practice and realistic and would not require changes to the Convention. We also call for more active cooperation between the Commission and States that have made submissions to establish the outer limits of the continental shelf beyond 200 nautical miles.

The Russian Federation attributes to the General Assembly and the Meeting of States Parties to the Convention a central role in discussing ocean affairs within the United Nations. One clear example of successful work by the General Assembly in that area is its contribution to the consideration of the problem of piracy. We support further strengthening the role of the United Nations in that area.

We believe that the discussion that took place at the tenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea was valuable, including the consideration of improving working methods and enhancing coordination of activity among the various international bodies dealing with ocean issues. That reaffirmed once again the paramount importance of that forum and its valuable practical contribution to a deeper understanding of issues related to the world's oceans. We continue to believe that the Informal Consultative Process is a useful format for discussing ocean issues, including in relation to the issue of sustainable development. We believe that the practice of holding informal consultative processes regularly should continue.

With respect to marine biodiversity in areas beyond national jurisdictions, we note that the regime governing the Area's deep sea resources, provided for in the Convention, applies to the solid, liquid and gas mineral resources, including polymetallic nodules, in the Area, on the seabed or within its subsoil, as set out in the Convention. It does not apply to living resources. In that connection, we consider it unnecessary for the International Seabed Authority to take on additional functions to protect biological resources.

The Russian Federation has always held the position that it is not advisable to introduce excessive limitations on fishing on the high seas. The basic mechanisms in that area should, in our view, be established by relevant regional fisheries management organizations, based on comprehensive scientific data, including the results of both current and past scientific marine research.

We consider useful the discussion that took place on progress in implementing the provisions of resolution 61/105 with respect to bottom fishing. The Russian Federation takes an active part in developing measures to protect vulnerable marine ecosystems, in accordance with the provisions of that resolution and the international recommendations of the Food and Agriculture Organization of the United Nations and in the context of the relevant regional fisheries management organizations, such as the International Council for the Exploration of the Sea, the Northwest Atlantic Fisheries Organization, the North-East Atlantic Fisheries Commission and the Commission for

the Conservation of Antarctic Marine Living Resources, inter alia.

We are paying particular attention to this issue as the process of developing new international conventions on fishing in the southern and northern parts of the Pacific Ocean proceeds. We support the development of effective measures for combating illegal, unreported and unregulated fishing. These measures should be adopted on a strong legal basis, taking into account the views of all concerned parties. They should not be discriminatory or protectionist.

We once again draw attention to the exclusive importance of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and we call on States that have not yet done so to consider the possibility of acceding to the Agreement.

The Russian Federation supports the draft resolutions on oceans affairs that have been prepared for approval at the sixty-fourth session of the General Assembly (A/64/L.18 and Corr.1, A/64/L.29). Many of their provisions are the result of difficult compromises.

However, we would like to note that we have a few criticisms to make: we, like many other delegations, have several times expressed concern about the steady extension of the scope of and the increase in the number of themes covered by the resolutions on ocean affairs and the law of the sea. One of the negative consequences of this trend is that the negotiation of resolutions has become a long and tense process. In our view, the time has come to think about what can be done to improve the situation in this area.

In conclusion, we express appreciation to the coordinators of the informal consultations in the preparation of the draft resolutions on sustainable fishing (A/64/L.29) and the law of the sea (A/64/L.18 and Corr.1), Ms. Holly Koehler and Ambassador Henrique Rodrigues Valle, as well as the Director of the Division for Ocean Affairs and the Law of the Sea, Mr. Sergei Tarassenko, and his staff for their highly skilled assistance in the work on these drafts.

Mr. Sergeyev (Ukraine): At the outset, I would like to thank the Secretary-General and the Secretariat, in particular the Division for Ocean Affairs and the Law of the Sea for their comprehensive reports on

oceans and the law of the sea. I also wish to express gratitude to the coordinators of the draft resolutions on the law of the sea and sustainable fisheries, Ambassador Henrique Valle of Brazil and Ms. Holly Koehler of the United States of America. Fully aligning itself with the statement of the European Union, my delegation, in its national capacity, would nevertheless like to touch upon some issues.

Ukraine has the honour to be a sponsor of both annual General Assembly resolutions. We reaffirm our commitment to due implementation and strict compliance with the 1982 United Nations Convention on the Law of the Sea. Given its comprehensive role in the legal regime of the world's oceans, universal acceptance of the Convention and of all related agreements is highly important.

We believe that the ability of international community to effectively address the manifold challenges it faces in ocean affairs is substantially enhanced when international and regional cooperation arrangements are in place. One such challenge relates to piracy and armed robbery at sea.

Ukraine welcomes actions taken by the Security Council to date in order to combat piracy, including adoption of resolutions 1846 (2008) and 1897 (2009), which my country had the honour of co-sponsoring.

We also commend the activity of the Contact Group on Piracy off the Coast of Somalia, as well as the valuable efforts undertaken by individual States Members of the United Nations aimed at suppressing piracy and armed robbery against ships off that country's coast by conducting maritime military operations. Ukraine acknowledges that those measures have greatly contributed to reducing the number of successful hijackings in the region.

We appreciate the significant decrease in the number of attacks by pirates and armed robbers in the Asian region today and emphasize that that success has emanated from national and multilateral initiatives as well as regional mechanisms of cooperation in combating and preventing piracy and armed robbery at sea.

Similarly, Ukraine welcomes the work of the International Maritime Organization (IMO) and other international organizations engaged in combating such illicit acts and ensuring safety at sea. Still, much remains to be done in this area, and Ukraine knows it

from its own sad experience. That is why we urge relevant organizations and States to continue to give priority to this issue in order to enhance the safety of seafarers and of trade in general in affected areas.

In this respect, we call upon States that have not yet done so to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol, as well as the Convention against Organized Transnational Crime and its Protocol against the Smuggling of Migrants by Land, Sea and Air.

There is also a crucial need to promote the development of effective national criminal justice systems that are able to ensure that any person involved in the financing, planning, preparation or perpetration of acts of piracy or in support of such acts is brought to justice. It is clear that acts of piracy should be treated as serious criminal offences in domestic legislation and State regulations. However, while we cannot deny that the elimination of the roots of piracy on land and the suppression of its manifestations at sea are important, we still strongly believe that the efforts of the international community in this field should also include addressing the impacts of piracy, especially with respect to its victims.

Ranking fifth on the list of countries with the most citizens working in the international maritime fleet, Ukraine is among the States most affected by the ramifications of piracy. As this meeting is unfolding, Somali pirates continue to hold 24 Ukrainians hostage — the crew of the *Ariana*, a vessel captured on 2 May this year. Over all, in the last 5 years, 15 vessels with Ukrainians on board have been held hostage by pirates. Indeed, Somali pirates have captured 67 Ukrainians, one of whom was shot dead and one seriously injured.

In this dismal context, we regret to report one of the most recent cases of pirate attacks, one which led to the death of another Ukrainian seafarer. On 24 November, pirates attacked the Monrovia-flagged oil tanker *Cancale Star* 18 nautical miles off the Benin coast, killing a Ukrainian seaman. Four other crew members were wounded. This fact confirms once again that the geography of piracy has expanded alarmingly.

We believe that effective anti-piracy measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing. Protecting the rights of victims of piracy attacks should

be a matter of the utmost concern for States and international institutions.

Fully convinced of that, Ukraine took the initiative to press for inclusion in the draft resolution on oceans and the law of the sea (A/64/L.18 and Corr.1) of a provision that invites States and international organizations, namely, the International Maritime Organization and the International Labour Organization (ILO), to consider possible solutions for seafarers and fishermen who are victims of piracy.

We would like to express our sincere gratitude to the delegations involved in drafting that proposal. We are looking forward to practical implementation of that initiative in the framework of the IMO and the ILO, as well as on the national level. In our view, possible solutions for the victims of pirate attacks and their families could include such short-term and long-term measures as adequate compensation, rehabilitation for survivors of attacks and the comprehensive review of standards, including those related to the rights, livelihoods and social security of maritime workers.

Strongly convinced of the necessity to strengthen the role of the United Nations in countering and preventing piracy, Ukraine convened an interactive discussion on 1 December 2009 on strengthening the contribution of the United Nations to countering maritime piracy, in connection with General Assembly agenda item 76 (a) entitled Oceans and the law of the sea. That event brought together the delegations of the more than 30 Member States and regional organizations that play a key role in international anti-piracy efforts, as well as senior representatives and experts of the organizations of the United Nations family, the United Nations Secretariat and non-governmental organizations dealing with this challenge.

The issue of protecting seafarers before, during and after pirate attacks was high on the agenda of the meeting, probably for the first time within these walls. Furthermore, one of the conclusions of the discussion was that the General Assembly does have a role to play in dealing with piracy. In our view, one of its areas of involvement could be promoting the protection of and compensation for seafarers and fishers who are survivors of pirate attacks. We look forward to concrete follow-up to this idea in the General Assembly. It should not be allowed to go unnoticed while piracy continues taking a human toll.

The interactive discussion of 1 December proved to be a useful exercise and merited, in the view of its participants, a relevant follow-up. Given the scope and magnitude of the piracy problem, it was suggested that the General Assembly hold a thematic, expert and result-oriented debate on the topic. I invite all delegations to carefully consider this idea.

Piracy on the high seas cannot be fought by any one country alone. Universal cooperation is urgently needed to tackle it effectively. Ukraine stands ready to do its part.

Mr. Shin Boonam (Republic of Korea): First of all, my delegation thanks the Secretary-General for his comprehensive report on oceans and the law of the sea (A/64/66 and Add.1 and Add.2). We also commend Mr. Serguei Tarassenko, Director of the Division for Ocean Affairs and the Law of the Sea, and his staff for their dedicated work and invaluable assistance to Member States. In addition, we would like to thank Ambassador Henrique Valle of Brazil and Ms. Holly Koehler of the United States for their excellent work in coordinating the two draft resolutions before us.

This year marks the fifteenth anniversary of the entry into force of the United Nations Convention on the Law of the Sea (UNCLOS). We extend our heartfelt appreciation to those who have endeavoured to realize the ideals of UNCLOS over the past 15 years. Given the centrality of UNCLOS as the global legal framework for the governance of the oceans and seas, it is important that all activities in the oceans and seas be carried out within that framework and that the integrity of the Convention be maintained.

The implementing mechanisms of the Convention — the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — have all played important roles. The concerted efforts and contributions of Member States are required to address the difficulties that these implementing bodies might encounter in carrying out their work. The Republic of Korea has been actively participating in their work and will do its utmost to continue contributing to these entities.

We cannot adequately stress the importance of the oceans and seas as a source of marine living and non-living resources and a vital avenue for transportation. However, it is regrettable to witness the ongoing prevalence of piracy and the degradation of

marine resources. Collaborative efforts at subregional, regional and international levels are necessary to adequately address those problems. In this regard, the Government of the Republic of Korea hosted the Seoul High-Level Meeting on Piracy off the Coast of Somalia in June.

More attention must be focused on the oceans and seas as invaluable assets for the welfare of humanity. The Republic of Korea is pleased to note that the tenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea this year was timely in reviewing the achievements and shortcomings of its first nine meetings.

Marine science and technology are pivotal to the fulfilment of our common objectives in all aspects of the oceans and seas. A variety of cooperative scientific and technical endeavours in ocean affairs, a healthy exchange of information and the design of joint research activities are needed to achieve the conservation and sustainable development of marine resources. The Republic of Korea is doing its part to enhance international cooperation by transferring marine technology to developing countries through the Korea International Cooperation Agency's funding and internship programmes.

According to the report of the Secretary-General, research continues to show that marine life and biodiversity are important for maintaining a healthy global ecosystem and climate and for sustaining socio-economic development. The Republic of Korea also attaches great importance to the conservation and sustainability of marine biodiversity. We are pleased to note that in the coming year the international community will have a valuable opportunity to contemplate the importance of marine biodiversity as the General Assembly, in resolution 61/203, declared 2010 the International Year of Biodiversity.

As a responsible fishing State and a State party to UNCLOS, the Republic of Korea is deeply concerned about illegal, unreported and unregulated (IUU) fishing. Preventing, deterring and eliminating IUU fishing activities is essential to achieving the conservation, management and sustainable use of marine living resources. Our Government has put in place a framework to prevent the operation of sub-standard vessels and to exercise effective control over vessels flying its flag in order to prevent and deter them from engaging in IUU fishing. The Republic of

Korea will also continue to work with other States parties to take effective measures in combating IUU fishing activities.

Mrs. Gallardo Hernández (El Salvador), Vice-President, took the Chair.

In conclusion, we reiterate the willingness of our Government to extend its full cooperation for the effective implementation of the United Nations Convention on the Law of the Sea. We also wish to assure the Assembly of our Government's commitment to the promotion of an orderly and stable oceans regime in the spirit of mutual understanding and cooperation enshrined in the Convention.

Ms. Rovirosa (Mexico) (*spoke in Spanish*): Mexico wishes to thank the coordinators of draft resolutions A/64/L.18 and A/64/L.29, Ambassador Henrique Valle of Brazil and Ms. Holly Koehler of the United States, respectively, for their work during the current session. We would also like to thank the Division for Ocean Affairs and the Law of the Sea for preparing the meetings and reports throughout the year.

The reports of the Secretary-General identify certain advances that have been made in protecting the marine environment as well as the ongoing signs of its deterioration. Mexico therefore appeals to all States to redouble their efforts to comply with their commitments under the international maritime law regime.

Through cooperation and coordination at all levels, the establishment of interdisciplinary approaches to ocean policy and the recognition of the judicial bodies competent to resolve disputes, we can guarantee the efficiency of the tools at the disposal of the international community, particularly the 1982 United Nations Convention on the Law of the Sea.

I should like to comment on some aspects of draft resolution A/64/L.18, "Oceans and the law of the sea". With regard to the work of the Commission on the Limits of the Continental Shelf, designing and implementing concrete measures to allow the Commission to better address its heavy workload is a matter of urgency. With the adoption of this draft resolution, the General Assembly will have made a first step to that end, but it will be the informal working group established by the Meeting of States Parties to the Convention that will provide substantive and long-term solutions to this issue.

On the subject of climate change, we must acknowledge that this phenomenon affects the vast majority of human activities and our environment. Mexico therefore considers of particular importance the paragraphs in draft resolution A/64/L.18 on ocean acidification, as well as the call for increased scientific research to achieve a better understanding of the effects of climate change on the marine environment and marine biodiversity.

Regarding marine biodiversity beyond areas of national jurisdiction, we welcome the course of action drafted by the Ad Hoc Open-ended Informal Working Group. We hope that, at its next meeting in February 2010, it will make specific recommendations to the General Assembly that will allow it in future to better frame the subject of the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction.

As for the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, we hope that the eleventh meeting will allow us to strengthen and make it more effective following the comprehensive review undertaken this year. We also welcome the fact that the discussions of the next meeting will focus on capacity-building in ocean affairs and law of the sea, including marine science. This issue is of special interest and relevance to developing countries.

With regard to the "assessment of assessments", my delegation welcomes the fact that the General Assembly endorses the recommendations of the Ad Hoc Working Group of the Whole at its last meeting in September, especially those regarding the establishment of a framework for the Regular Process beginning with the sixty-fifth session of the Assembly.

Moving on to draft resolution A/64/L.29, we wish to highlight the following aspects.

Mexico is fully committed to sustainable fisheries and is in compliance with all the substantive provisions of the 1995 Agreement. This issue is of great importance to my country, and we therefore participate in the search for mechanisms aimed at achieving universal participation. One such mechanism is genuine dialogue that takes into consideration the concerns of States that are not parties to the Agreement, as recognized by the 2006 Review Conference. Mexico hopes that such dialogue, in addition to promoting wider ratification of the

Agreement, will serve to promote cooperation in implementing conservation and management measures at the national level that will in turn ensure the conservation and sustainable use of straddling and highly migratory fish stocks. We will give special attention to the two events to be held next year in New York, in particular the Review Conference.

Furthermore, we would like to reiterate that responsible international trade is an essential factor in ensuring that fishing contributes to sustainable development. A key mechanism for guaranteeing this is the use of certification and ecolabelling plans, provided that they are consistent with international law. Effective market access must be managed in a non-discriminatory manner, without unnecessary barriers or trade distortions, and must adhere to the principles of the Code of Conduct for Responsible Fisheries.

As regards the effects of fishing on vulnerable marine ecosystems, Mexico recognizes the need to continue implementing the measures agreed to in 2006 in order to address this issue effectively, particularly with regard to deep-sea fishing. The application of the precautionary approach is aimed at avoiding irreversible damage to ecosystems and preventing losses that may require long-term and difficult recovery efforts, and must therefore be applied to deep-sea fishing. The fact that technological developments now allow for the exploitation of seabed resources by other, less destructive methods, should also be taken into consideration.

For these reasons, we call for the series of measures proposed in the draft resolution to be implemented on a priority basis and in the manner established therein, in recognition of the special circumstances and challenges that developing States face in this connection.

Concerning illegal fishing and its possible connections to transnational organized crime, as reflected in paragraph 61 of the draft resolution, the Assembly has proposed a cautious approach. In our view, such a connection can be made only once States have launched a serious dialogue on the subject, using as reference points solid and comprehensive studies that facilitate an understanding of the issues. It is also essential to bear in mind the variety of legal regimes applicable to both activities, in accordance with international law. This is a subject on which we must

move forward firmly but gradually, without jumping to conclusions.

The wide range of topics covered by the two draft resolutions is clear evidence of the strategic importance of ocean affairs worldwide. The productivity of the oceans depends on their being used in a sustainable manner, and on recognition by the international community that the problems of the oceans are closely interlinked and should be considered as a whole. Mexico supports the draft resolutions and hopes to continue working in a committed and responsible manner with the Members of the Organization to meet the challenges faced by the international community with regard to the oceans.

Mr. Borg (Malta): Malta wishes to align itself with the statement delivered by the representative of Sweden on behalf of the European Union.

My delegation notes with appreciation the report on oceans and the law of the sea submitted to this Assembly by the Secretary-General (A/64/66), which provides a comprehensive overview of the latest developments and issues relating to ocean affairs and the law of the sea. Malta particularly welcomes the large number of wide-ranging topics covered by the report, ranging from maritime space to climate change.

It will be recalled that 42 years ago, Malta called upon United Nations Member States in this Assembly Hall to undertake a reform of the law of the sea, which culminated in the adoption of the United Nations Convention on the Law of the Sea on 10 December 1982. On 16 November of this year, we celebrated the fifteenth anniversary of the entry into force of the Convention, described as the constitution for regulating humankind's activities in the oceans.

As stated by the Prime Minister of Malta in his address to the General Assembly on 24 September 2009, Malta feels that "[i]t is... necessary to see the 1982 Convention in the light of some pressing contemporary problems which are either being addressed inadequately or not being addressed at all" (A/64/PV.6). Malta therefore feels that the time has come for the General Assembly to examine possible approaches to a review of the 1982 law of the sea Convention. For example, among its limitations, one could note the provisions dealing with piracy, the illicit traffic in narcotic drugs or psychotropic substances, the rules relating to the protection and preservation of the marine environment, and the rules dealing with

submarine cables and pipelines. A number of issues are also not dealt with in the Convention, such as the trafficking of human beings, the safety and security of navigation, the transportation of weapons of mass destruction, and climate change.

For all those reasons, the Prime Minister of Malta has proposed that the General Assembly, through its relevant bodies, undertake appropriate consultations among its member States to revise the Convention in view of the passage of time and the emergence of new and critical issues over the years. In that context, Malta intends to continue its consultations with other interested Member States in order to consider how to advance that proposal further.

For centuries, pirates have been considered the enemies of mankind. International law has recognized that characteristic by covering piracy through the doctrine of universal jurisdiction. To a large extent, that is reflected in articles 100 to 107 of the 1982 United Nations Convention on the Law of the Sea. However, since the adoption of those articles, the international community has seen the re-emergence of a problem that threatens vital sea routes. In the light of experiences in certain regions of the oceans, it has become apparent that the provisions require revision, particularly with respect to the definition of piracy in article 101, the issue of seizing a pirate ship or aircraft, which is currently limited to the high seas, and the prosecution of pirates, particularly as problems of evidence and jurisdiction are encountered once the pirates are arrested.

Another issue of concern to Malta is the question of illegal fishing, especially in the Mediterranean. In that regard, Malta welcomes the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, which was adopted by the Food and Agriculture Organization of the United Nations (FAO) on 25 November this year and which aims to close fishing ports to ships involved in illegal, unreported and unregulated fishing. Malta participated actively in the technical discussions on the port State measures held at FAO headquarters in Rome. In that context, it is relevant to note that the European Union, on behalf of its member States, was among the first signatories to sign the Agreement.

With reference to paragraphs 117 and 118 of draft resolution A/64/L.18, which Malta supports wholeheartedly, my delegation wishes to encourage

States to join the regional agreements and support their work to ensure a better protection of the marine and coastal environments. Indeed, Malta is proud to be the host country of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), a Regional Activity Centre of the Mediterranean Action Plan and the first Regional Seas Programme, established by the United Nations Environment Programme in 1976.

Such Centres and regional cooperation schemes have proved to be very useful tools for assisting countries by enhancing at the regional level the enforcement of multilateral treaties on the protection of the marine environment. Since its establishment, REMPEC has assisted more than 13 Mediterranean coastal States in drafting their national contingency plans and has also facilitated the conclusion of subregional response agreements. In such a politically diverse geographical area, Regional Seas Programmes and technical cooperation assist in achieving the main goals of the Organization, namely, to maintain peace and ensure better livelihoods for our citizens.

As the Secretary-General points out in his report, the perilous journeys by sea undertaken by people to clandestinely cross borders continue to result in the loss of life. In the Mediterranean, the sinking of small boats crowded beyond their capacity with illegal immigrants has become an all too frequent occurrence resulting in the considerable loss of lives of women, children and men. That is a human tragedy that we must all, without exception, try to avoid and resolve. The number of those who risk their lives crossing the Mediterranean, with grave consequences, requires urgent regional and international attention.

Last year, a record number of 2,775 irregular migrants were rescued by the Armed Forces of Malta or landed in Malta. The number so far recorded this year is 1,475. For an island State with a surface area of 316 square kilometres and one of the highest population densities in the world, the magnitude of the problem takes on a completely different dimension. Notwithstanding those severe difficulties, Malta has continued to honour its international obligations vis-à-vis genuine refugees and persons qualifying for humanitarian protection and, indeed, is cited as one of the countries, in proportion to its size and population, that has awarded asylum to the highest number of asylum-seekers.

My delegation is pleased to place on record in this Assembly the fact that this year the International Maritime Law Institute (IMLI) is commemorating its twentieth anniversary in the service of the rule of international maritime law. IMLI was established in Malta to provide States, particularly developing States, with the facility to train their legal officials in the field of international maritime law. As pointed out by the Secretary-General of the International Maritime Organization (IMO), IMLI has become an indispensable part of IMO for it allows Governments to have at their disposal experts in the field of international maritime law whom Governments can consult on compliance with international maritime treaties.

Another important and unique aspect of training at IMLI is the emphasis given to the drafting of legislation. Government legal officials are trained to draft domestic laws that incorporate the international obligations found in international maritime treaties. This enables Governments to enforce treaty provisions through their courts, thereby ensuring that international treaties are implemented and enforced.

To date, IMLI has trained 517 lawyers from 115 States. Given this valuable training, States are advised to communicate with the Institute if they wish to send their judicial officials to attend the academic programmes. IMLI's main course is the Master of Laws degree in international maritime law, and each year 35 participants undertake an intensive course for one academic year. The activities of IMLI have been recognized as a valid and resourceful contribution to capacity-building. As noted in the Secretary-General's report,

“Capacity-building is particularly vital in order to assist States in need to efficiently and effectively implement their obligations under the Convention and other relevant instruments and receive benefits from the regime contained therein”. (A/64/66/Add.1, para. 400).

Malta endorses the statement made by the Secretary-General in his report that “[t]he international community has a collective duty to constructively address the multifaceted challenges facing the world's oceans and seas” (*ibid.*, para. 398). Malta's initiative in 1967 was precisely to bring to the fore and initiate a process which then saw its vision of an international regime for the oceans and the seabed become a reality

15 years later. This universal treaty of law and order pertaining to the common heritage of mankind has and will continue to have far-reaching implications for the preservation and management of the oceans. Furthermore, its strengthening would enhance its relevance to present-day needs and the needs of future generations.

Finally, my delegation would like to indicate that again this year, Malta is one of the sponsors of the two draft resolutions under this agenda item, which are before the Assembly for consideration and approval.

Mr. Al-Sheikh (Yemen) (*spoke in Arabic*): Allow me on behalf of the Republic of Yemen to thank the President for his excellent stewardship of this meeting of the Assembly devoted to the discussion of the United Nations Convention on the Law of the Sea (UNCLOS). I would be remiss if I neglected to thank Secretary-General Ban Ki-moon for his reports on this issue (A/64/66 and Add.1 and Add.2).

Given its geographic location, the Republic of Yemen considers all issues related to oceans and seas of particular importance. We have been working to implement UNCLOS provisions in a coordinated and effective manner despite the dire economic difficulties we face. We are convinced that the Convention has established a comprehensive system for all of the oceans and seas worldwide. In that connection, we pay tribute to all of the important mechanisms established to implement UNCLOS — the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea.

As a coastal and least developed country, Yemen is plagued by limited financial and technical resources and illegal, unreported and unregulated fishing activities that have caused harm to our coast. We also suffer from the effects of bottom trawling and stress in that connection that those practices have depleted the fish stocks in our exclusive economic zone and devastated the livelihoods of our fishermen, thus exacerbating the food security crisis and poverty in my country. These practices have also damaged our marine ecosystems and their biodiversity. We therefore call on all States to implement effective measures to manage sustainable fisheries and control all fishing vessels in order to protect living marine resources and the marine environment.

We believe that the work of the Commission on the Limits of the Continental Shelf is of primary importance in facilitating the exercise by coastal countries of full sovereignty over their continental shelf. For that reason, we welcome the draft resolution on oceans and the law of the sea (A/64/L.18). We have submitted our report on the limitation of our continental shelf beyond 200 nautical miles south-east of Socotra Island, in implementation of paragraph 8 of article 76 of UNCLOS, thus meeting the deadline of 13 May 2009.

My country notes the statement delivered by the Chairman of the Commission at the nineteenth Meeting of States Parties to UNCLOS, at which he informed my delegation that the Commission will consider Yemen's submission in 2012 and will issue its recommendation on our continental shelf in 2015, according to its programme of work.

Yemen shares the concern of other States with regard to the Commission's workload and funding. In this context, we stress the importance of providing funding to the Commission in order to enhance its ability to handle the increasing number of submissions and to overcome its limitations, as well as to enable it to study in a serious, practical and precise manner all of the submissions and to present its recommendations in a time manner.

We are confident that the Contact Group on the Commission's work will achieve satisfactory results and we pay tribute to the support given to the Commission, its subsidiary bodies and the Division for Ocean Affairs and the Law of the Sea.

My country is increasingly concerned by the growing phenomenon of piracy in the territorial waters and high seas off the coast of Somalia. We stress the importance of safety for fishing and navigation in all international waters and call for the vigorous condemnation of all acts of piracy and armed robbery wherever they occur.

Yemen, itself a victim of piracy, has contributed to all international efforts to combat that scourge. Pirates have constantly attacked our fishing vessels, and many Yemeni fishermen whose livelihoods depend on fishing have been exposed to attacks by naval forces patrolling international waters, in the course of which some have been killed or injured.

We welcome paragraph 74 of the draft resolution on oceans and the law of the sea, which invites all States, the International Maritime Organization and the International Labour Organization to consider possible solutions for the seafarers and fishers who are victims of pirates. We call upon all international maritime forces to unify their activities in order to protect the fishermen and their livelihoods.

We stress the importance of cooperation and coordination of efforts at the international and regional levels to combat piracy. All efforts to combat piracy should be in line with relevant international rules and should respect the sovereignty of the State over its territorial waters. We also stress that we stand ready to cooperate with all stakeholders in order to bring about security and stability in the Arabian Sea, the Red Sea and the Gulf of Aden.

We support the efforts being made by the United Nations and the International Maritime Organization in order to combat piracy and armed robbery off the coast of Somalia. We welcome the adoption of the Djibouti Code of Conduct to combat piracy and armed robbery of vessels in the Western Indian Ocean and the Gulf of Aden. We also welcome its entry into force in January of this year.

We are also appreciative of the establishment of three regional centres in Yemen, Kenya and Tanzania to share relevant information on piracy and armed robbery. We also believe that the four working groups on piracy are an effective means of international cooperation to combat piracy. We wish to stress that piracy is a natural outcome of the deterioration of the political situation in Somalia and the lack of stability in that country for two decades. It will only be overcome if the international community succeeds in finding a comprehensive political solution to all the problems of Somalia and assist all Somali factions to form a national unity government so as to bring about security and stability in its land, sea and air.

Ms. Medina-Carrasco (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The Bolivarian Republic of Venezuela wishes to take this opportunity to reaffirm the importance it attaches to the subject of the oceans and the law of the sea. We cannot ignore the role played by the oceans and seas in meeting our food needs. Nor can we ignore the fact that they constitute a central component in the world system for sustaining

life and a valuable resource that contributes to achieving sustainable development.

For that reason, the use of the oceans and seas is dealt with as a matter of public policy in our country and given priority attention, as is amply reflected in our national legislation and the plans and programmes designed and implemented in accordance with criteria and principles regarding the conservation and use of marine resources.

In that connection, the Republic has been attentive to developments and events at the international level during the course of this year regarding the subject of the oceans and the seas. We attach particular importance to the tenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, held from 17 to 19 June 2009 here at the United Nations headquarters.

Venezuela believes, as it stated during those discussions, that the Consultative Process is a forum for political and technical consultation that involves all States and other parties interested in assessing the condition of the marine environment worldwide. We believe that it is essential to maintain the Process as a permanent forum within the United Nations, since it allows for synergy among the major international instruments related to the environment, which will, in turn, eventually lead to consistency in matters related to the oceans and seas and will make it possible to remedy the legal gaps in the law of the sea.

Moreover, it should be pointed out that approaches to the oceans and the seas should stay within the conceptual framework of sustainable development. In that regard, it is necessary, for example, to examine further the role of the oceans in matters relating to the eradication of poverty, food security and the interrelationship between oceans and climate change.

On that subject, we share the concern about and the interest expressed in gaining further knowledge of the scope of that interrelationship and, in particular, the importance of promoting at the international level an awareness regarding the impact of climate change on marine ecosystems and, in particular, on low-lying coastal areas and coastal States, with full respect for the standards and principles laid down in the United Nations Framework Convention of Climate Change and its Kyoto Protocol.

It is timely and necessary to point out in the context of our debate on the oceans and the law of the sea that we continue to be concerned at the existing deficiencies in the implementation of the international legal framework on the management and conservation of genetic resources beyond national jurisdiction. Therefore, in my delegation's view, this forum should also deal on a permanent basis with all the conventions relating to the subject, in particular the United Nations Convention on Biological Diversity.

In that regard, I would like to state that the Bolivarian Republic of Venezuela does not accept that the management of such resources should be decided through a legal regime that seeks to exclude some parties. My delegation also believes it is necessary to engage in further research with a view to arriving at the scientific certainty needed to guide the international community in adopting the best possible decisions in that connection.

The complex reality we face today convincingly demonstrates that the United Nations Convention on the Law of the Sea of 10 December 1982 does not incorporate, neither in its text nor in its additional Agreement, any full treatment of all aspects and subjects to be dealt with by the international community with regard to the oceans and seas.

On that basis, the Bolivarian Republic of Venezuela draws attention to the key role of other international instruments in dealing with marine and coastal biological diversity beyond national jurisdiction, as reflected in decision IX/20 of the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity, which was held from 19 to 30 May 2008 in Bonn, Germany.

Regarding the draft resolution on sustainable fisheries and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and the Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and associated instruments, my delegation would also like to emphasize that that is a highly sensitive matter and constitutes an area of priority importance for our country. Hence, we have undertaken significant and far-reaching initiatives to promote and implement programmes for the conservation, protection and management of marine biological resources.

In our legislation on fisheries and aquaculture, penalties have been established for imposition on vessels flying the national flag that engage in illegal activities relating to the extraction of resources without due authorization by the State and also for incursions into waters under the State's jurisdiction without the submission of the requisite documentation. Such situations are then reported to the flag State of the vessel. With respect to highly migratory fish stocks, we maintain a register of vessels, which is regularly transmitted to regional fisheries management organizations for follow-up in accordance with regulations on enhancing transparency. At the international level, the Bolivarian Republic of Venezuela has implemented the principles of the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations (FAO), and of chapter 17 of Agenda 21 adopted at the United Nations Conference on Environment and Development, which was held in Rio de Janeiro in 1992. Likewise, we actively participate in regional and other fisheries organizations, such as the FAO Committee on Fisheries and its subsidiary bodies, the Western Central Atlantic Fishery Commission, the Latin American Fisheries Development Organization, the Commission for Inland Fisheries of Latin America, the International Commission for the Conservation of Atlantic Tunas and the Inter-American Tropical Tuna Commission.

The Bolivarian Republic of Venezuela considers it vital to participate in initiatives to combat illegal, unreported and unregulated fishing. Our Government has adopted the measures necessary to tackle that problem through ongoing reporting of the position and legal status of vessels flying the Venezuelan flag on the high seas to the regional fisheries management organizations of which we are a part. Moreover, Venezuelan law provides for the installation of global positioning satellite equipment and devices in fishing vessels of over ten gross register tons. Also, it made significant contributions, in its national capacity, to the legally binding Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, adopted in the framework of technical consultations by FAO.

Our delegation demonstrated the commitment of the Bolivarian Republic of Venezuela to cooperate with multilateral efforts and initiatives seeking to promote the sustainable development of oceans and seas. Since the oceans and the seas are a universal heritage, we

advocate applying an international judicial framework that would incorporate all regional and international agreements that regulate the conservation and sustainable use of marine resources.

Lastly, Venezuela reiterates its historic position, which it has maintained in various international forums, namely that the United Nations Convention on the Law of the Sea is not the only source of the law of the sea. For that reason, we object to the proposition that it is the sole source. It should be recalled that it does not enjoy global acceptance, inasmuch as a significant number of States are not parties to it.

Mr. Mohamed (Maldives): The ocean is integral to all aspects of Maldivian life. There are few nations in the world whose well-being and future development are so intricately linked to their marine and coastal ecosystems. While this interrelationship has enhanced our culture and lifestyle for centuries, it has also made us particularly vulnerable to the ocean's fragility. We recognize that within our borders we have primary responsibility for protecting this vital resource and all that flows from it, and we continue in our efforts to meet these obligations. Many of the challenges, however, require international cooperation before one State can make a difference. Because of that, I would like to take this opportunity to applaud the efforts of those Member States working towards implementing and refining the law of the sea. My delegation also welcomes the report by the Secretary General, submitted pursuant to General Assembly resolution 63/111, detailing the developments and issues relating to ocean affairs and the law of the sea (A/64/66).

The precarious state of the world's oceans is unmistakable, and the Maldives experiences the consequences of the problem through economic, social and ecological signals. The last few decades have seen the continued overexploitation of fisheries, with only 20 per cent of stocks considered moderately exploited or underexploited. Sustainable fisheries management is a key concern of the Maldivian community. Fisheries, along with tourism, are the two mainstays of our economy, accounting for 90 per cent of gross domestic product and three quarters of all jobs. Dependence, however, on transboundary stocks such as the tuna, which constitutes 90 per cent of our commercial catch, represents a key vulnerability. Our efforts alone cannot protect this species; further international cooperation,

research and management efforts are required to ensure that fishery's lasting viability.

Illegal, unreported and unregulated fishing in our waters remains a pressing concern. Despite considerable efforts, which include creating additional reserves and introducing new legislative measures, the Maldives' struggles to make significant headway. Policing an exclusive economic zone of 859,000 square kilometres and over 1,100 islands, of which just 194 are inhabited, would present challenges even to the more developed countries, but is particularly problematic given the Maldives' development status and limited capacity. Illegal fishing jeopardizes food security for our people and undermines our efforts to manage our fisheries so that we can sustainably exploit their economic potential and protect them from degradation.

All efforts taken by the Secretary-General to assist small island developing States and other developing countries to develop sound marine ecosystem management practices are greatly appreciated. We also note the need to continue increasing international cooperation on policing and prosecuting illegal fishing. Again, these are global issues, and we are bound together in the search for lasting solutions.

Any threat to the biodiversity of our marine ecosystems is a threat to our sustainable development. Healthy fisheries aside, the genetic material contained in that biodiversity is a potential and unexplored source of economic opportunity: our atolls form by far the largest group of coral reefs in the Indian Ocean, with over 250 species of coral and over 1,100 species of reef fishes. Our tourism industry is dependent on healthy and flourishing reef ecosystems. A functioning reef system also provides a very necessary buffer from extreme weather events, in which the erosive power of the sea reduces our land area. This has unimaginable consequences to island States such as the Maldives, as a shrinking land area affects the limits of our exclusive economic zone, thereby impacting on our territory as an independent and sovereign nation.

The catastrophic impact of climate change on marine ecosystem resilience cannot be overemphasized. Coral reefs are considered amongst the most vulnerable ecosystems. Their susceptibility to the consequences of climate change, including rising ocean temperatures and acidity and rising sea levels,

has led to projections that such reefs will be wiped out within 50 to 100 years. We cannot begin to describe the tragedy that that would represent for our country. One need only look at the 1998 El Niño episode alone, in which certain species of coral saw a 99 per cent decline, with an economic loss estimated at \$91 million, to grasp the consequences of a more sustained warming.

Combating such impacts will place an enormous burden on small island developing States and threaten to undermine ongoing development efforts. We are proud that the Maldives is taking an active leadership role in this area, with President Mohamed Nasheed announcing earlier this year that the Maldives will strive to be carbon neutral by 2020. Pursuing innovative approaches to adaptation options for reefs and developing ways to decrease other environmental stresses to maximize reef resilience are key issues for small island developing States such as the Maldives. However, such efforts need broader international support, through capacity building and technology transfer. We also emphasize the need for more stringent emissions abatement by all large emitters for the benefit of oceans globally and given the limits to possible adaptation at the social, biophysical and economic levels. This underscores the need for greater integration between a new international climate regime and the law of the sea, given that the success of one is inexorably linked to the other.

Our geographic isolation, along with our narrow economic base, requires us to import nearly all our supplies. Thus, the Maldives is extremely vulnerable to all the external shocks impacting the global economy. We refer here particularly to the devastating impact on our domestic economy of any rise in oil prices, the recent global financial crisis and the terrorist attacks of 11 September 2001. Other threats to shipping, such as the recent increase in piracy off the coast of East Africa, are also of particular concern. Our ability to combat the rising cost of living for our people and to assist them in satisfying even their basic needs, let alone improving their quality of life through sustainable development, is intricately tied to shocks over which we have little or no control.

The issues we have raised need to be tackled at multiple levels. As for many of the global problems we face, truly international responses are required and must be supported by regional and local action. The small island developing States, through their own

domestic legal frameworks and cooperatively through instruments such as the Barbados Programme of Action, are directing considerable time and resources to discharging our responsibilities to the best of our abilities. However, we do not have the capacity to succeed in this work alone.

Recognizing this fact, we applaud the continued efforts of the General Assembly to secure international cooperation and coordination on these matters and are truly grateful for the assistance that has already been so generously provided. But we call upon the international community to redouble its efforts to support, promote and strengthen capacity-building activities associated with the sustainable development of our ocean resources, including the building of scientific research capacity and enhanced technologies and capacities for responding to threats to maritime security and safety, the conservation and sustainable development and use of marine resources, and ecosystem and fisheries management approaches as a whole.

We must also be prepared to think creatively about how we tackle these problems and how we integrate existing law of the sea obligations with other multilateral environmental agreements. Importantly, as scientific understanding evolves and we enter the uncertain world of climate change, we must also be flexible enough in our legal frameworks to respond quickly and decisively to new challenges as they emerge.

Mr. Golezinski (Australia): Australia has the honour this afternoon to co-sponsor both of the draft resolutions before us today (A/64/L.18 and A/64/L.29). These drafts resolutions continue to raise issues of key importance to Australia, including bottom fisheries, high seas governance and the workload of the Commission on the Limits of the Continental Shelf. I will briefly touch upon each of these issues.

Australia supports the outcomes of this year's sustainable fisheries draft resolution and was pleased to participate in the informal consultations on it, particularly the review of the implementation of the bottom fishing provisions in resolution 61/105. This draft resolution recognizes the immense importance and value of deep-sea ecosystems and the biodiversity they contain, and was an important step forward in regulating bottom fishing and managing the impacts of fishing on vulnerable marine ecosystems. Australia

reaffirms its strong commitment to regulating bottom fisheries in accordance with resolution 61/105 and welcomes all efforts made thus far to adopt and implement such measures. We encourage further efforts to meet the objectives of resolution 61/105.

Australia encourages all States and regional fisheries management organizations (RFMOs) to ensure that areas where vulnerable marine ecosystems are known to occur or likely to occur are closed to bottom fishing activities, and that activities are authorized to proceed only if management measures are in place to prevent significant adverse impacts in accordance with resolution 61/105.

We are also pleased to see the 2008 International Guidelines on the Management of Deep-sea Fisheries in the High Seas, issued by the Food and Agriculture Organization (FAO), recognized for the guidance they provide in implementing measures in accordance with resolution 61/105. We note that the FAO Guidelines provide a minimum standard of response to the need to improve the conservation and management of deep-sea fisheries, and in this respect should complement and further inform existing efforts and measures adopted by RFMOs, such as the standards already agreed through the Commission for the Conservation of Antarctic Marine Living Resources.

We are pleased that this year's draft resolution welcomes the adoption of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, which establishes a South Pacific RFMO. When the Convention enters into force, the gap that exists in the international conservation and management of non-highly migratory fisheries and the protection of biodiversity in areas beyond national jurisdiction extending from the most easterly part of the southern Indian Ocean through the Pacific towards the exclusive economic zones of South America will be closed. We look forward to the entry into force of the Convention and to working with others in this important new RFMO.

Australia also continues to implore all States that have yet to do so to ratify the 1995 Fish Stocks Agreement and to join each regional fisheries management organization or arrangement where they have an interest.

Australia is a strong supporter of the United Nations Convention on the Law of the Sea. We have

adopted measures on the safety of navigation and the protection of the marine environment in a manner that is consistent with international law, including the Convention.

Australia acknowledges the considerable workload faced by the Commission on the Limits of the Continental Shelf and notes the importance of submissions being examined within a reasonable time frame, including to ensure the continued engagement of relevant expertise. Australia supports the informal working group and encourages States to actively contribute to its work.

Finally, Australia welcomes the reconvening 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. We understand that the Working Group will convene in February 2010. It is important that adequate arrangements and governance structures be in place to ensure the conservation and sustainable use of marine biodiversity beyond national jurisdiction. Australia looks forward to further progress on these issues in February.

Mr. Pramanik (Bangladesh): At the outset, I congratulate President Ali Abdussalam Treki and other members of the Bureau on their election to their high posts in the General Assembly at its sixty-fourth session. My delegation is confident that, under his able leadership, the session will be a great success. My delegation is always ready to extend its full cooperation to him. I thank the President, the Secretary-General and the Secretariat, and in particular the Division for Ocean Affairs and the Law of the Sea for its reports on oceans and the law of the sea (A/64/66 and Add.1 and 2) which have been submitted to this Assembly for consideration. We express our deep appreciation to the coordinators for their hard work in conducting the negotiations on the two draft resolutions (A/64/L.18 and A/64/L.29).

The United Nations Convention on the Law of the Sea is the fundamental document that provides the legal framework for States' rights and obligations relating to the use of ocean space. The Convention further regulates the exploration and exploitation of the resources therein.

The resources of the oceans and seas can make significant contributions to the achievement of sustainable development. In this regard, we strongly

emphasize the essential need for cooperation, including through capacity-building and the transfer of marine technology, to ensure that all States, especially developing countries and in particular the least-developed countries and small island developing States, are able to benefit from the sustainable development of the oceans and seas.

Bangladesh recognizes that the Informal Consultative Process, a unique forum for the comprehensive discussion of issues related to oceans and the law of the sea, must take into consideration the true perspective of the three pillars of sustainable development. In this regard, we welcome the decision contained in draft resolution A/64/L.18 that the Consultative Process at its eleventh meeting will focus its discussions on capacity-building in ocean affairs and the law of the sea, including marine science.

The proven impacts of climate change are being seen with greater severity and frequency, and new estimates are being established. One such estimate is that by 2100, the rise in sea level could be more than one metre, which would inundate some 15 to 17 per cent of the low-lying coastal areas of Bangladesh, displacing approximately 20 million people. Bangladesh is thus deeply concerned over the current and projected adverse effects of climate change on the coastal population of millions worldwide, including on their livelihoods. We will need to find appropriate ways and means to identify adaptation measures required to redress the sea-level rise. We therefore emphasize the urgency of addressing the climate change issue under the agenda item "Oceans and the law of the sea".

The Commission on the Limits of the Continental Shelf is now overloaded with submissions. There are potentially 99 submissions — 50 actual submissions plus 49 filings of preliminary information — in the Commission's queue. Assuming the current rate of progress, as outlined by the Chairman of the Commission before the nineteenth Meeting of States Parties, it could be 50 years or more before the Commission will have examined all the submissions. This implies that all sorts of continental shelf delimitation issues, at least for areas beyond 200 nautical miles, will effectively have to be put on hold until the Commission has dealt with the submissions of affected areas and States.

Bangladesh is deeply concerned by the workload of the Commission. We need to find creative and practical solutions to redress this problem. States parties to the Convention need to address this situation with the utmost urgency and take the necessary measures, including interim measures, to enable the Commission to discharge its functions in a timely manner by holding lengthier and more frequent sessions. In this regard, we welcome the recommendations contained in paragraphs 52 and 53 of the draft resolution encouraging States to participate actively and contribute constructively to the ongoing work of the informal working group of the Bureau. We further call upon States to make voluntary contributions to the Trust Fund established for payments of emoluments of the Commission members, particularly those from developing States.

Bangladesh should like to reaffirm its strong position that, in accordance with article 77, paragraph 3, of the Convention, "the rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or any express proclamation". In this regard, Bangladesh strongly endorses the inclusion of this fundamental continental shelf doctrine in the draft resolution on oceans and law of the sea that the Assembly will consider later today in order to clarify ambiguities that might exist concerning coastal States' entitlements and rights over the continental shelf beyond 200 nautical miles, based on natural prolongation.

In essence, article 76 and the Statement of Understanding prescribe procedures whereby qualified coastal States must define the extents of their exclusive continental shelf entitlements beyond 200 nautical miles. With individual States seeking to define their perceived entitlements, it is to be expected that differing interpretations will arise concerning the areas where these entitlements apply, leading inevitably to situations in which adjacent or opposite States will claim entitlements to the same portions of the seabed. Such overlaps could be bilateral and involve just two States, or they could be multilateral and involve three or more States. A good example of the latter case is the Bay of Bengal, where Bangladesh, India, Sri Lanka and Myanmar claim jurisdiction over overlapping continental shelf areas.

In this regard, Bangladesh recalls with satisfaction that States parties to the Convention may submit to, inter alia, the International Tribunal for the

Law of the Sea or the International Court of Justice any dispute concerning matters relating to maritime affairs, including boundary delimitation. Bearing that in mind, Bangladesh has recently submitted its maritime boundary dispute matters to an arbitral tribunal pursuant to Annex VII of the United Nations Convention on the Law of the Sea.

There can be little doubt that the partitioning of outer continental shelves offers coastal States a tremendous opportunity for engaging in substantive dialogue that leads ultimately to cooperation and harmonious relations. The Commission on the Limits of the Continental Shelf will not intervene in situations where coastal States object to the proposed outer shelf limits of their neighbours, leaving it to the affected States to seek a solution through direct negotiation or through established mechanisms for arbitration. To achieve success in this arena, my delegation is of the view that it is essential to develop early on a positive relationship with neighbour States that fosters a climate of trust and good will and facilitates increasing levels of collaboration in activities aimed at achieving an equitable solution.

Mr. Mahiga (United Republic of Tanzania): My delegation would like to thank the Secretary-General for his comprehensive report on oceans and the law of the sea, contained in document A/64/66 and Addendums 1 and 2. The report provides us with a useful basis for the consideration of this agenda item. We commend the Secretariat for its continued hard work in following up various matters relating to the law of the sea, which continues to be the subject of growing attention in the General Assembly. We further congratulate the coordinators, Ms. Holly Koehler of the United States and Ambassador Henrique Valle of Brazil, for their professional conduct of the informal consultations on the two draft resolutions before the Assembly (A/64/L.18 and A/64/L.29). We also thank the delegations that made valuable contributions to the consultations.

My delegation would like to focus on some specific aspects of the report before the Assembly.

First, on the subject of maritime safety and security, it is not arguable that piracy and armed robbery against ships are among the major menacing problems threatening the international regime of maritime trade and security of navigation. The number of reported incidents — not even including unreported

ones — as indicated in the report is alarming. Figures indicate that the number of incidents of piracy and armed robbery, especially in the Indian Ocean, is on the increase despite the current international efforts to check it. We believe that this is a time to translate our collective concern into tangible efforts to contain the problem and to ensure that it is progressively dealt with.

The statistics indicated in the report of the Secretary-General clearly break with the assumption that this problem is limited to a specific region. Although statistics show that incidents of piracy are high in specific areas, it is also evident that they are not uncommon in other parts of the world. To my delegation, this is yet another reason why the international community should be urged to come up with mechanisms to combat this crisis wherever in the world it strikes. We must continue to enhance cooperation among States to ensure the safety and security of navigation and improve prevention and response capabilities in responding to new and emerging threats to maritime security. States should be highly encouraged in particular to patrol and ensure the safety of maritime waters for navigational purposes in a concerted manner.

Concerted efforts should also be extended to fighting impunity. My delegation strongly urges Member States to continue exploring the available means of prosecuting suspected pirates, particularly by exercising jurisdiction as provided for in article 105 of the United Nations Convention on the Law of the Sea. We further recommend that, in the future, we open a debate to explore the possibility of expanding the jurisdiction of the International Criminal Court to include the crime of piracy.

There may also be a need for an urgent international conference under the auspices of the United Nations to re-examine the resurgence of this age-old problem of piracy, and to review the efficacy and relevance of existing conventions in responding to the new challenge. The conference would also rally international political will and obligations in dealing with the problem of piracy under the leadership of the United Nations, in partnership with regional organizations and other stakeholders in the international community.

Secondly, regarding the Commission on the Limits of the Continental Shelf, my delegation is

pleased by the many States that have complied with their obligation under the Charter to complete their submissions in accordance with article 4 of annex II of the Convention and preliminary information in accordance with paragraph 1 (a) of document SPLOS/183.

However, we wish to join other delegations that have expressed their concern on the challenge that the Commission is now facing in examining the large number of submissions. My delegation is concerned with the timeline for examining such submissions. In this respect, we request the General Assembly to consider the proposals of Member States to facilitate the prompt examination of these submissions, particularly by increasing the capacity of the Commission in order to enable it examine the submissions in the shortest possible time frame so that we do not defeat the spirit of the United Nations Convention on the Law of the Sea.

Thirdly, regarding the conservation of marine fisheries resources, my delegation is deeply concerned about reckless illegal fishing activities, which have adverse effects and lead to the overexploitation of fish species and the marine environment, particularly for developing coastal States. We strongly urge the international community to continue its efforts to provide the necessary assistance to build the capacities of and equip developing coastal States to monitor and protect their marine resources. Regional cooperation and efforts to develop joint patrol programmes are also very effective ways of curbing this problem. We welcome the efforts to develop a comprehensive global record on fishing vessels and refrigerated transport and supply vessels. While addressing this problem, related security problems in the high seas can also be met or at least better understood.

Fourthly, the adverse impact of climate change is throwing up new challenges to marine ecology, from threats to the very existence of some island States and the displacement of coastal populations to the possible extinction of some marine animal and plant species in various parts of the world due to the destruction of their habitat and ecosystems. The legal and socio-economic implications of these changes will now be far better understood and responded to in a manner proportionate to the threat. As already mentioned, at the forthcoming Copenhagen Conference on Climate Change, the legal dimensions of such future changes need to be recognized, addressed or at least flagged for

follow-up action after the Conference. Again, on this issue, we continue to count on the leadership of the United Nations.

In conclusion, we welcome the ratification of the Convention by Switzerland, the Dominican Republic and, recently, Chad, and urge those States that still have not ratified the Convention to consider doing so in order to achieve the ultimate goal of universal participation.

Mr. Manjeev Singh Puri (India): First of all, I would like to take this opportunity to thank the President of the Assembly for convening this debate. My delegation would like to thank the Secretary-General for his excellent report (A/64/66 and Add.1 and Add.2) on issues relating to oceans and the law of the sea.

We appreciate the presentation of the report (A/64/347) on the work of the Ad Hoc Working Group of the Whole, established pursuant to paragraph 157 of resolution 63/111, on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects. We are happy to note that the regular process would be guided by international law, including the United Nations Convention on the Law of the Sea (UNCLOS) and other applicable international instruments, and that capacity-building, sharing of data, information and the transfer of technology would be crucial elements of the framework for the regular process.

The United Nations Convention on the Law of the Sea provides the basic framework for carrying out any activity in the oceans and seas, for the use of their resources and for national, regional and international action and cooperation to counter threats and challenges to the marine environment. We need to take concerted action and to adopt integrated approaches to preserve oceans for future generations. The draft omnibus resolution (A/64/L.18) rightly recognizes that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach. We thank the coordinator, Ambassador Henrique Valle, for his efforts in coordinating this year's draft omnibus resolution.

India attaches high priority to the effective functioning of the institutions established under the United Nations Convention on the Law of the Sea, namely, the International Seabed Authority, the

International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. These institutions have made considerable progress in their respective areas of work over the past year. We closely follow the work of all these subsidiary institutions.

We congratulate the Chairman of the Commission on the Limits of Continental Shelf for the considerable progress made by the Commission in undertaking its consideration of the submissions. However, we note that since a considerable number of States have made their submissions, it will take a long time for the Commission to consider those submissions.

We fully share the concerns expressed in the draft omnibus resolution regarding the projected timetable of the work of the Commission on the submissions already received by it and those yet to be received and the significant inequities and difficulties that may arise for States as a result of the projected timetable, including with respect to retaining expertise when there is a considerable delay between the preparation of a submission and its consideration by the Commission.

We hope that the informal working group engaged in examining this issue will consider and suggest short-, medium- and long-term measures to address this problem with a view to shortening this time frame in a practical and realistic manner. This would enable the forthcoming Meeting of the States Parties to consider this issue in a holistic manner and suggest practical solutions to address this important issue.

We support the efforts made by the Secretariat to strengthen the capacity of the Division for Ocean Affairs and the Law of the Sea, which serves as the secretariat of the Commission, in order to ensure enhanced support and assistance to the Commission in its consideration of submissions.

We are committed to the goal of the protection and preservation of marine biodiversity, in particular in areas beyond national jurisdiction. Marine biodiversity in areas beyond national jurisdiction is threatened by a number of causes such as destructive fishing activities, overexploitation in vulnerable marine environments, open, unregulated access to fisheries, bottom trawling, biological prospecting, geo-engineering activities and pollution of the marine environment from various sources, just to name a few. Coordinated and combined

efforts are required to minimize the harmful effects of those activities on the marine environment.

We recognize the need to consider new approaches within the overall framework of the Convention on the Law of the Sea to promote international cooperation aimed at conservation, sustainable use of the living resources of the high seas and benefit-sharing of seabed resources located in areas beyond national jurisdiction. However, the participation of developing countries in devising and adopting such approaches greatly depends on the scientific information and technical know-how available to them. Promoting the flow of scientific data and information and the transfer of technology that results from marine scientific research, especially to developing States, is therefore essential to achieve that objective.

Marine scientific research can lead to better understanding and utilization of almost all aspects of the oceans and their resources. The research that aims at exploring the biodiversity of the deep seabed for commercially valuable genetic and biochemical resources should be carried out in accordance with the general principles of marine scientific research, namely, those set out in articles 140, paragraph 1, and 241 of the Convention.

In the area of maritime navigation, we would like to express our serious concern over piracy and armed robbery at sea, particularly off the coast of Somalia. Piracy not only threatens freedom of the seas, maritime trade and maritime shipping security, but also endangers the lives of seafarers, affects national security and territorial integrity and hampers the economic development of countries in the region.

India is actively cooperating in international efforts to combat piracy and armed robbery at sea. We support joint and concerted efforts taken by the international community in that regard. As past incidents have shown, that threat persists, especially off the coast of Somalia. There is a growing need for a well-considered, coordinated course of action in accordance with international law. There is also a continuing need to assist developing coastal States through capacity-building, including training of law enforcement officials, transfer of equipment, et cetera, to enhance their capacities, thus enabling them take effective action against the threats to maritime security.

We also emphasize the importance of the principle of the freedom of navigation, including the right of innocent passage and transit passage through straits used for international navigation. We reaffirm our view that States bordering straits may adopt laws or regulations relating to transit passage through the straits, but such laws should be enforced in a non-discriminatory manner that is fully consistent with article 42 of the Convention on the Law of the Sea.

Speaking of fisheries, we take this opportunity to thank Ms. Holly Koehler of the United States of America for her skilful and professional coordination of the informal consultations on the draft resolution on sustainable fisheries (A/64/L.29). The fisheries sector occupies an important place in the socio-economic development of India. We support increased adherence to and stronger implementation of the 1995 Fish Stocks Agreement.

The effective implementation of measures proposed in resolution 61/105 to combat adverse impacts of bottom fishing on vulnerable marine ecosystems was an area of particular interest during the negotiations on the fisheries resolution this year. We hope that the additional measures agreed to — which include, inter alia, identification of vulnerable ecosystems, assessment of the impact of bottom fishing on such ecosystems, exchange of best scientific information and adoption of conservation and management measures to prevent adverse impacts on such ecosystems — will help towards regulating bottom fishing in areas beyond national jurisdiction.

Mr. Tommo Monthe (Cameroon), Vice-President, took the Chair.

We are pleased to note that the draft resolution on sustainable fisheries duly recognizes the special circumstances and requirements of developing States and the specific challenges they may face in giving full effect to their obligations under that resolution.

The most important task before the developing countries in the development of their fisheries sector is to develop and enhance their capacity-building. For that purpose they require access to and sharing of scientific knowledge, resources, technology transfer and development of skills. In that context we particularly support operative paragraph 27 of the sustainable fisheries resolution, which invites States and international financial institutions and organizations to, inter-alia, provide assistance to developing States to enable them to develop their national capacity to exploit fisheries resources, including developing their domestically flagged fishing fleets, value-added processing and the expansion of their economic bases within the fishing industry.

The Acting President: We have heard the last speaker in the debate on agenda item 76 and its sub-items (a) and (b) for this meeting. The next plenary meeting will begin immediately following adjournment of this one.

Programme of work

The Acting President: Before concluding the meeting, I should like to consult members regarding an extension for the work of the Second Committee.

Members will recall that at its 49th plenary meeting, held on 20 November 2009, the General Assembly agreed to extend the work of the Second Committee until Friday, 4 December 2009. However, I have been informed by the Chairperson of the Second Committee that due to ongoing negotiations, the Bureau would like to request an additional extension of the Committee's work until Wednesday, 9 December. May I therefore take it that the Assembly agrees to extend the work of the Second Committee until Wednesday, 9 December 2009?

It was so decided.

The meeting rose at 6.10 p.m.