

STATEMENT BY MR. E. AHAMED, MINISTER OF STATE FOR EXTERNAL AFFAIRS, ON
AGENDA ITEM 70[A] & [B] – OCEANS AND LAW OF THE SEA AT THE 63RD SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY ON DECEMBER 04, 2008



Mr. President,

At the outset I would like to thank the Secretary General for his useful reports on issues relating to the oceans and law of the sea.

The 1982 UN Convention on the Law of the Sea [UNCLOS] lays down a comprehensive regime for the world's oceans and seas, establishing rules governing all uses of the oceans and their resources. The use of ocean resources is fundamental to human well being and development. The long term sustainability of oceans is critical as any change that alters the state of oceans can have immense socio-economic consequences. Therefore, there is an urgent need to address the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction.

The threats to biodiversity in areas beyond national jurisdiction range from open access to fisheries, destructive fishing practices like bottom trawling, pollution from ships and other land based activities, and new threats deriving from bio-prospecting and geo-engineering activities. A combination of measures, including monitoring, scientific investigation, and improved governance, are required to prevent or reduce harmful impacts of such activities on biological diversity.

The management and governance of high seas areas presents a formidable challenge for the international community as development of an effective regime for the protection of biodiversity in areas beyond national jurisdiction is seen to be circumscribing some of the traditional high seas freedoms. The challenges of protecting, conserving and ensuring sustainable management of marine biodiversity beyond national jurisdiction are thus enormous.

Marine Protected Areas (MPAs) can be a useful marine ecosystem management tool for securing protection from threats to marine biological diversity. The developing literature on MPAs reveals the potential benefits that they could offer not only to the resilience of vulnerable marine systems, but also to the productivity of fisheries. However, in respect of MPAs in areas beyond national jurisdiction, information on governance aspects and costs and benefits is still very sparse. This is an area where more information on both scientific and economic aspects would be useful.

It is essential to continue to develop and facilitate the use of other approaches and tools for conserving and managing vulnerable marine biodiversity in areas beyond national jurisdiction. The time bound measures proposed in UNGA Resolution 61/105 to protect vulnerable marine ecosystems from destructive bottom fishing practices is an important first step in addressing that problem. The Regulations on Prospecting and Exploration for Polymetallic Nodules adopted by the International Seabed Authority also constitute an important input.

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

We would also like to emphasize the importance of the principle of freedom of navigation including the right of innocent passage as well as transit passage through straits used for international navigation. States bordering straits may adopt laws or regulations relating to transit passage through straits, but such laws should be enforced in a manner that is non-discriminatory and fully consistent with Article 42 of UNCLOS.

Mr. President,

In the area of maritime navigation, it is a matter of serious concern that the number of incidents of piracy and armed robbery is once again on the rise, particularly off the coast of Somalia. These attacks threaten maritime security by endangering the lives of seafarers and security of navigation and commerce. Therefore we fully support and are involved in the recent efforts to address this problem. Nevertheless, action by the Security Council through Resolutions 1816, 1838 and 1846 became necessary due to the particular situation in Somalia and is not considered as establishing customary international law.

Most armed robberies occur in the internal and archipelagic waters. Law enforcement against armed robbers thus primarily falls within the domain of the coastal States concerned. Therefore, enhancement of coastal States' capacity to combat such crimes is very important. In addition, a need for increased bilateral, multilateral and regional cooperation to combat piracy and armed robbery by coastal states cannot be overemphasized. Such co-operation must be based on respecting the coastal States territorial integrity, sovereignty, sovereign rights and jurisdiction in accordance with international law.

Developing States require assistance and resources to participate in maritime security arrangements. The Secretary General's report rightly places emphasis on the continuous need to assist developing States to take measures relating to maritime security. Lack of expertise and specialized knowledge can also be addressed through capacity building programs including transfer of equipment or technology.

There has been a decrease in the number of attacks by pirates and armed robbers in the Asian region through increased national action and regional cooperation. There are several commendable regional initiatives in this regard that serve to enhance the safety of navigation, environmental protection and security in the Straits of Malacca and Singapore, while respecting the sovereignty and sovereign rights of littoral states. In February this year, India too launched an important regional maritime security initiative, namely, the "Indian Ocean Naval Symposium" with focus on 'Constructive Engagement' amongst all littoral states of the Indian Ocean Region. Its primary aim is to sustain a regionally relevant, consultative forum to promote a shared understanding of issues and concerns relevant to the Indian Ocean region, which bear upon maritime security.

In conclusion, I would like to note that there is an urgent need to promote additional research and information sharing on new and emerging activities that impact the oceans. Deep seabed research is still largely the domain of select developed countries. It is imperative that there be an increased flow of scientific data and information and transfer of knowledge to developing countries so as to improve their understanding and knowledge of oceans and deep seas. International cooperation remains a critical component not only for enhancing maritime security and safety but also the sustainable use of marine resources and rational utilization of the oceans and seas.

Thank you Mr. President.

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