

**STATEMENT BY MR. V.K. NAMBIAR, PERMANENT REPRESENTATIVE ON
AGENDA ITEM 52 (A) OCEAN AND LAW OF THE SEA AND AGENDA ITEM 52 (B)
OCEANS AND THE LAW OF THE SEA: 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 INSTRUMENT AT THE 58TH SESSION OF THE UN
GENERAL ASSEMBLY ON NOVEMBER 24, 2003**

Mr. President,

My delegation welcomes the opportunity to participate in the debate on this item. We thank the Secretary General for his reports on matters relating to the Law of the Sea and Ocean Affairs.

The 1982 UN Convention on the Law of the Sea sets out the legal framework within which all activities in the oceans and seas must be carried out. My delegation attaches the highest importance to the strengthening and effective functioning of the institutions established under the Convention. Given the geography of India, with a coast line extending four thousand miles and with 1300 islands, we have a traditional and abiding interest in maritime and ocean affairs. The large population in our coastal areas and in the islands has always looked to the sea for sustenance.

Mr. President,

We are happy to note that the number of States Parties to the Convention has risen to 145, including the European Community. Over the years, the Convention has gained greater acceptance even from the non-Parties, advancing steadily towards its universal recognition and adherence. We are happy to inform the General Assembly of India's depositing the Instrument of Accession to the 1995 Fish Stocks Agreement on August 19 this year. We welcome the announcement of the European Community of its intention to deposit the Instrument of Accession soon.

Mr. President,

It is a matter of deep satisfaction that all the subsidiary institutions under the Convention, namely the International Sea-bed Authority, the International Tribunal for the Law of the Sea and the Commission for Limits of the Continental Shelf have made

considerable progress in their respective fields of activity. We are working closely with all these institutions. We have invested heavily in the exploration of minerals in the deep sea bed. We continue to incur considerable expenditure for collection of data as a primary investor and now as a Contractor. The International Sea-bed Authority is considering the Annual Reports of Contractors, the development of a legal regime for prospecting and exploration of polymetallic sulphides and cobalt-rich crusts, the role of the Authority in the conservation of biodiversity in the Area, activities relating to marine scientific research and the central data repository of the Authority. The proposal of the Authority to establish a geological model for the nodule province of the Clarion-Clipperton Fracture Zone is a welcome move. However, the need for preparation of similar models for other zones cannot be over-emphasised.

Mr. President,

We welcome the progress made by the Commission in the last session, especially its decision to include in its recommendations on a claim submitted by a State, an executive summary containing a general description of the extended continental shelf as well as a set of coordinates and illustrative charts, as appropriate, to identify the line describing the outer limits recommended by the Commission. The executive summary would, in our view, provide useful information on the practical application of the Convention, assist other States in preparing their claims for submissions and would lead to a uniform application and interpretation of the relevant provisions of the Convention.

We believe that capacity-building of developing States to assist them in acquiring knowledge and skills in regard to their preparation and submission on the outer limits of the continental shelf is vital to the effective implementation of the Convention. States which have expertise in the delineation of outer limits of continental shelf could extend cooperation in providing assistance to developing States which are in the process of preparing submissions to the Commission. India, has the requisite expertise on the assessment and mapping of the continental shelf, and is willing to extend cooperation in training developing countries for this purpose. We also welcome in this context the efforts of Division of the Ocean Affairs and Law of the Sea in bringing out a training manual to assist States develop the requisite knowledge and skills in their preparation of submissions in respect of the outer limits of the continental shelf.

Mr. President,

Since the last report of the Secretary General on this agenda item, the international community has continued to focus on issues relating to navigation, conservation and management of living marine resources and coastal biodiversity, protection of marine environment and international coordination and cooperation. In the area of navigation, we would like to express our serious concern with the increase in the incidents of crimes at sea, more particularly the 37% increase in the number of reported incidents of piracy and armed robbery against ships world-wide in the first six months of 2003 compared to the corresponding period in 2002. Rising incidents of piracy and armed robbery at sea have been highlighted in the Secretary-General's report. In this regard, regional co-operation to combat piracy becomes important. In the Asia Pacific region, India has been actively involved in the ongoing efforts initiated by Japan to establish a regional cooperation agreement on anti-piracy along with 15 other States of the region.

Mr. President,

We believe that Prevention and Suppression of acts of terrorism against shipping are very important aspects in dealing with crimes at sea. We welcome the decision of the International Maritime Organisation to include new offences against security of navigation, in addition to the existing offences already covered under 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Contention) and its Protocol. We also support in principle the inclusion of new interdiction measures which would authorise a State party other than the flag State to take enforcement action with respect to a vessel that it has reasonable grounds to suspect is involved in, or the target of, a commission of an offence under the SUA Convention.

Mr. President,

It is a matter of grave concern that in less than 50 years, industrial fishing fleets have managed to wipe out 9/10^{ths} of the world's biggest and most economically important species of fishes. The efforts that have taken to improve the conservation and management of world's fisheries have been confronted by the increase in illegal, unregulated and unreported fishing activities (IUU fishing) on the high seas in contravention of all measures for conservation and management adopted by regional fishery organisations and arrangements, and in areas under national jurisdiction in violation of the sovereign rights of coastal States to conserve and manage their marine living resources. We believe that the effective implementation of the International Plan of Action of the Food and Agricultural Organisation to prevent, deter, and eliminate IUU fishing at the international level would help in reversing the trend in many areas and will guarantee the enforcement of the rights of developing coastal States. We fully endorse the approach approved by the World Summit on Sustainable Development which emphasised the need for enabling the developing countries to develop national, regional and sub-regional capacities for infrastructure and integrated management and the sustainable use of fisheries. We are also in full agreement that the displacement of fishing fleet from areas under the national jurisdiction of developed member States to fisheries located in developing countries gives rise to a significant problem that encourages the expansion of IUU fishing with negative implications for global fisheries. Enhanced cooperation among all concerned States for appropriate enforcement of agreed conservation measures, including cooperation through the regional agency of coastal States, in enforcing compliance against the vessels originating beyond the region would be more effective in eliminating the IUU fishing.

Mr. President,

The Secretary General's report on the section dealing with the protection and preservation of marine environment has been fairly comprehensive. Marine environment today is increasingly degraded by pollution from sewage, persistent organic pollutants, radioactive substances, heavy metals, oils and litter. This has negative implications on human health, poverty alleviation, food security and safety. The problem is aggravated further by pollution from vessels and oil spills.

In this context, the fourth session of the informal consultative process was very useful in deepening the understanding on protection of vulnerable marine co-systems and the utility of hydrographic surveys and nautical charts facilitating the safety of navigation and life at sea and environmental protection, including vulnerable marine eco-systems.

Yet another area of focus in the consultative process was the biodiversity of open oceans beyond national jurisdiction. The Johannesburg Plan of Implementation, the Subsidiary Body for Scientific and Technical Advice of the Conference of Parties of the Convention on Biological Diversity and the Legal and Technical Commission of International Seabed Authority have also examined this issue to the extent that it falls within their competence. However, we believe that any legal mechanism contemplated to counter the threats to biodiversity beyond national jurisdiction needs to be approached very cautiously so as not to upset the delicate balance of international rights and obligations in areas outside national jurisdiction.

Mr. President,

Coordination and cooperation at the international level remain critical prerequisites for effective governance of the world's oceans and seas. Establishment of a regular process under the United Nations for global reporting and assessment of the state of marine environment is most significant in this regard. However, this process has to be built upon existing assessments, by avoiding duplication, as the funding requirements for the process could be quite considerable. My delegation looks forward to see that the process results in a regular and coherent overview of the marine environment, particularly in the areas where there is currently a lack of information.

Thank you, Mr. President.

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