



STATEMENT BY MR. NIRUPAM SEN, PERMANENT REPRESENTATIVE, ON
AGENDA ITEM 71[A] & [B] OCEANS AND THE LAW OF THE SEA AT THE 61ST
SESSION OF THE UN GENERAL ASSEMBLY ON DECEMBER 07, 2006

Madam President,

At the outset my delegation wishes to thank the Secretary-General for his comprehensive Reports on Oceans and the Law of the Sea.

This year's Report contained very useful information on issues and developments relating to ecosystem approaches and oceans that served as a basis for discussion at the seventh meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. The text adopted at the seventh meeting recognized that, by its very nature the ecosystem approach does not easily lend itself to mandatory "one-size-fits all" measures. It contains sections on the guiding principles for the application of the ecosystem approach, its possible constituent elements, and the implementation and improved application of the approach. In this context, capacity building, technology transfer and greater consideration of developing countries' experiences in implementing ecosystem approaches in marine management also need to be given due consideration.

The topic "ecosystem approaches and oceans" confronts us with a range of issues that require multidisciplinary examination. The approach is science based and it is acknowledged that scientific understanding of ocean ecosystems is still very limited. Moreover, composition and functioning of individual ecosystems and the pressures on them are area specific, which makes the task more expensive and complex. In areas where ecosystems cross geographical

boundaries it may be necessary, as pointed out in the Secretary-General's Report, for States to pursue bilateral or regional cooperation. Further, it has been demonstrated that any such approach cannot be rigid. Given the changes which may occur in spatial and temporal scales, the requirement for flexibility and adaptability has to be built in. It would be essential in this context to develop approaches to reconcile multiple objectives, ensure participation of different stakeholders and accommodate diverse interests. The continued application of the precautionary approach therefore remains essential.

Madam President,

There is now undeniable evidence that certain scientific research, which is intrusive in character, could put the fragile ecosystem and the species of the deep sea at risk. Marine scientific research which aims at exploration of biodiversity for commercially valuable genetic and biochemical resources, the so-called bio-prospecting, could be one such activity. We believe that the general principles of marine scientific research, namely, those contained in Articles 140(1) and 241 of UNCLOS, should also apply to bio-prospecting. The symbiotic relationship between the biodiversity of the deep seabed and its ecosystem makes the entire resources of the sea-bed, living and non-living, to be a common heritage of mankind. The task before us today is to identify the risks to this common heritage of mankind and agree on a substantive legal basis for the conservation and management of biodiversity and the use of biological and biogenetic resources of the deep-sea bed and subsoil.

We are not averse to looking at new approaches within the confines of UNCLOS to promote international co-operation aimed at conservation and sustainable use of living resources of the high seas and benefit sharing of seabed resources located in the areas beyond national jurisdiction. However, the participation of developing countries in devising these new approaches greatly depends on the scientific information available to them. Promotion of flow of scientific data and information and transfer of knowledge resulting from marine scientific research, especially to developing States, is therefore essential. We are pleased that this year the eighth meeting of the consultative process will focus its discussions on the topic of "Marine Genetic Resources".

Madam President,

We welcome the preparations for the launch of the first phase of the Regular Global Marine Assessment and the holding of the first meeting of the ad hoc steering group chaired by Mexico and Australia. We see the GMA as an important instrument for better coordination and co-operation between the various United Nations bodies and related organizations towards integration of

existing scientific and technical data and information and for identifying the gaps therein.

In the area of maritime navigation, we would like to express our serious concern over incidents of piracy and robbery at sea. In this respect we welcome the regional efforts in establishing cooperative mechanisms on safety of navigation and environmental protection and particularly welcome the coming into force of the Regional Agreement on Combating Piracy and Armed Robbery against Ships in Asia on September 4, 2006 and launch of its Information Sharing Centre.

Madam President,

We would also like to emphasise 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. The 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 the United Nations Convention on the Law of the Sea.

The subsidiary institutions established under the Convention have reported significant advances in their respective areas. The Commission on the Limits of the Continental Shelf is currently considering five submissions regarding the establishment of the outer limit of the continental shelf beyond 200 nautical miles. However, keeping in view the anticipated heavy work load of the Commission, it is essential that the issues relating to the participation of members in its meetings and their funding should be addressed to take into account the concerns of the members from developing countries. In this regard, we also support the strengthening of the Division that serves as the Secretariat of the Commission, since with increase in submissions, the Commission would require enhanced technical support.

Madam President,

The International Sea-bed Authority is currently involved in developing a legal regime for prospecting and exploration of poly-metallic sulphides and cobalt rich ferromanganese crusts to ensure the effective protection of the marine environment, protection and conservation of the natural resources of the Area and the prevention of damage to its flora and fauna from harmful effects that may arise from activities in the Area

Madam President,

The Review Conference on 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, that was held in New York earlier this year, provided a useful forum for assessing the effectiveness of the Agreement. The Conference noted with concern that Straddling Fish Stocks and Highly Migratory Fish Stocks were over exploited and depleted. Over fishing and over capacity are seen to undermine efforts to achieve the long term sustainability of these stocks. Therefore the Conference recommended urgent reduction of the world's fishing capacity to levels commensurate with the sustainability of fish stocks. In this context the legitimate right of developing States to develop their fisheries for Straddling Fish Stocks and Highly Migratory Fish Stocks in accordance with article 25 of the Agreement was recognized.

Madam President,

We note with concern the impact of destructive fishing practices on vulnerable marine ecosystems. There is sufficient data to suggest that marine habitats are being affected by bottom trawling and it has a potential to alter the functioning, state, and biodiversity of marine ecosystems, particularly vulnerable ecosystems. This was recognized in 2004 also and the need for improved governance of deep-sea fisheries and marine ecosystems was noted.

The Secretary-General in his Report on "Impact of fishing on vulnerable marine ecosystems" has also emphasized the critical need for mapping in the deep sea and the necessity to follow a precautionary approach. Accordingly, we see the time bound measures proposed in this year's Resolution to protect vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals from destructive bottom fishing practices, as a first important step in addressing this problem.

Thank you, Madam President.

[BACK TO TABLE OF CONTENTS](#)