Chapter IV

Law of the sea

The United Nations continued in 2002 to promote universal acceptance of the 1982 United Nations Convention on the Law of the Sea and its two implementing Agreements, on the conservation and management of straddling fish stocks and highly migratory fish stocks and on the privileges and immunities of the International Tribunal for the Law of the Sea. The year marked the twentieth anniversary of the opening for signature of the Convention, to commemorate which the General Assembly, at its fifty-seventh session, devoted two days of plenary meetings, on 9 and 10 December, to consideration of the item “Oceans and the law of the sea” and the theme “The Dynamism of the Convention: challenges for the present and solutions for the future”.

The three institutions created by 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—held sessions during the year.

UN Convention on the Law of the Sea

Twentieth anniversary of the Convention on the Law of the Sea

On 19 November [meeting 52], the General Assembly adopted resolution 57/33 [draft: A/57/L.19 & Add.1] without vote [agenda item 25].

Plenary meetings of the General Assembly on 9 and 10 December 2002 devoted to the consideration of the item entitled “Oceans and the law of the sea” and to the commemoration of the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea

The General Assembly,

Recalling that the United Nations Convention on the Law of the Sea was opened for signature on 10 December 1982,

Recognizing the personalities who served as officers of the Third United Nations Conference on the Law of the Sea or who otherwise contributed unceasingly towards the conclusion of the Convention and its adoption on 30 April 1982,

Recalling its resolution 56/12 of 28 November 2001, in which it decided to devote two days of plenary meetings at its fifty-seventh session, on 9 and 10 December 2002, to the consideration of the item entitled “Oceans and the law of the sea” and the commemoration of the twentieth anniversary of the opening for signature of the Convention, and encouraged Member States and observers to be represented at the highest possible level,

Decides to adopt the organizational arrangements for the plenary meetings on 9 and 10 December 2002 as outlined in the annex to the present resolution.

Annex

Organizational arrangements for the plenary meetings of the General Assembly on 9 and 10 December 2002 devoted to the consideration of the item entitled “Oceans and the law of the sea” and to the commemoration of the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea

1. Three plenary meetings of the General Assembly shall be held on 9 and 10 December 2002, as follows:

(a) One plenary meeting, on 9 December 2002, from 10 a.m. to 1 p.m., shall be devoted to the commemoration of the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea;

(b) Two plenary meetings, on 10 December 2002, from 10 a.m. to 1 p.m. and from 3 to 6 p.m., shall be devoted to the consideration of the item entitled “Oceans and the law of the sea”.

2. The list of speakers in the commemoration shall be as follows:

(a) Dr. Ugo Mifsud Bonnici, former President of Malta, to pay special tribute to the late Ambassador Arvid Pardo of Malta;

(b) Ambassador Tommy Koh, President of the Third United Nations Conference on the Law of the Sea;

(c) Chairpersons of the five regional groups;

(d) Ambassador Don MacKay, President of the twelfth Meeting of States Parties to the United Nations Convention on the Law of the Sea;

(e) Mr. Martin Belinga-Eboutou, President of the Assembly of the International Seabed Authority;

(f) Mr. Satya N. Nandan, Secretary-General of the International Seabed Authority;

(g) Judge Gilbert Guillaume, President of the International Court of Justice;

(h) Judge Dolliver Nelson, President of the International Tribunal for the Law of the Sea;

(i) Mr. Peter F. Croker, Chairman of the Commission on the Limits of the Continental Shelf.

3. Statements in the commemoration shall be limited to ten minutes.

4. Two informal panels shall be held in parallel on 9 December 2002, from 3 to 6 p.m., and shall be organized as follows:
(a) Both informal panels shall include the participation of non-governmental organizations and academia;

(b) The overall theme for both informal panels shall be “The Dynamism of the Convention: challenges for the present and solutions for the future”;

(c) The sub-themes for Informal Panel 1 shall be “The International Seabed Authority: an institution to manage the common heritage of mankind”, “Limits in the seas: the need to establish secure maritime boundaries” and “Settlement of disputes: a linchpin of the Convention”; the sub-themes for Informal Panel 2 shall be “Implementation of the Convention: the challenge to ensure the effectiveness of its rules (role of non-State actors/regional approach)”, “The emerging concepts for the development and strengthening of the legal regime for the oceans (ecosystem-based approach, marine protected areas and oceans stewardship)” and “The tools for change: the amendment procedure”.

(d) Informal Panel 1 shall be chaired by Ambassador Cristián Maquieira (Chile) and shall have the following panellists: Mr. Satya N. Nandan, Secretary-General of the International Seabed Authority, Mr. Rolf Fife (Norway) and Judge Hugo Caminos (Argentina), International Tribunal for the Law of the Sea; Informal Panel 2 shall be chaired by Ambassador Hasjim Djalal (Indonesia) and shall have the following panellists: Judge José Luis Jesus (Cape Verde), International Tribunal for the Law of the Sea, Mr. Michael Bliss (Australia) and Professor Bernard Oxman (United States of America).

By decision 57/523 of 9 December, the Assembly, taking into account that two of the panellists approved by Assembly resolution 57/33 (see p. 1316) were not able to participate in its two-day session on “Oceans and the law of the sea” and the commemoration of the Convention on the Law of the Sea’s twentieth anniversary, decided that Shabtai Rosen would replace Judge Hugo Caminos on Informal Panel 1 and that Felipe Paolillo would replace Judge José Luis Jesus on Informal Panel 2.


Meeting of States Parties. The twelfth Meeting of States Parties to the Convention (New York, 16-26 April) [SPLOS/91] discussed the 2001 activities of the International Tribunal for the Law of the Sea [YUN 2001, p. 1235], its draft budget for 2003 and other financial matters. The Meeting considered also the 2001 International Seabed Authority activities [ibid.], the 2001 activities of the Commission on the Limits of the Continental Shelf [ibid.], other Commission-related matters, including the first submission by a coastal state, the Russian Federation, regarding the outer limits of its continental shelf, the election of 21 new Commission members, and the Commission’s request for observer status at the Meeting of the States Parties; and the Meeting’s competence to consider issues relating to the implementation of the Convention under article 319.

As requested, the Meeting of States Parties granted observer status to the Commission under a new paragraph 3 bis under rule 18 of its rules of procedure, specifying that the Commission might participate as an observer in a manner consistent with its functions as an expert body. The Meeting requested the Secretariat to make the necessary amendments to its rules of procedure.

On 19 April, the Meeting elected Lennox Fitzroy Ballah (Trinidad and Tobago) to fill the vacancy in the Tribunal created by the death on 11 September 2001 of Judge Edward Laing (Belize), whose term of office would have ended on 30 September 2002.

Also on 19 April, the Meeting elected the following seven members to the Tribunal for a nine-year term of office to replace those whose terms were to expire on 30 September 2002: Lennox Fitzroy Ballah (Trinidad and Tobago), Guangjian Xu (China), Hugo Caminos (Argentina), Jean-Pierre Cot (France), Tullio Treves (Italy), Tafsir M. Ndiaye (Senegal) and Alexander Yankov (Bulgaria).

On 23 April, elections were held to replace the Commission’s 21 members, whose terms were due to expire on 15 June 2002. Elected for a five-year term were Noel Newton St. Claver Francis...

The General Assembly,


Recalling also its resolution 56/13 of 28 November 2001, and bearing in mind its resolution 57/142 of 12 December 2002,

Recognizing that, in accordance with the Convention, the Agreement sets forth provisions concerning the conservation and management of straddling fish stocks and highly migratory fish stocks, including provisions on subregional and regional cooperation in enforcement, binding dispute settlement and the rights and obligations of States in authorizing the use of vessels flying their flags for fishing on the high seas,

Welcoming the entry into force of the Agreement, and noting that the entry into force of the Agreement entails responsibilities for States parties and other important considerations as outlined in the Agreement,

Welcoming also the outcomes of the World Summit on Sustainable Development, in particular those relating to the conservation and management of straddling fish stocks and highly migratory fish stocks,

Deploring the fact that the straddling fish stocks and highly migratory fish stocks in many parts of the world are overfished or subject to sparsely regulated and heavy fishing efforts, mainly as a result of, inter alia, unauthorized fishing, inadequate regulatory measures and excess fishing capacity,

Recognizing that insufficient monitoring, control and surveillance measures and ineffective flag State control over vessels fishing for straddling fish stocks and highly migratory fish stocks in many parts of the world exacerbate the problem of overfishing, and recognizing also the urgent need for capacity-building in monitoring, control and surveillance measures and addressing inadequate flag State control for developing States, in particular the least developed among them and small island developing States,

Noting the obligation of all States, pursuant to the provisions of the Convention, to cooperate in the conservation and management of straddling fish stocks and highly migratory fish stocks,

Conscious that the Agreement requires States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks either directly or through appropriate subregional or regional fisheries management organizations or arrangements, taking into account the specific characteristics of the subregion or region, to ensure the effective conservation, management and long-term sustainability of such stocks, and to establish such organizations or arrangements where none exist,
Recognizing the obligation of States to cooperate, either directly or through subregional, regional or global organizations, to enhance the ability of developing States, in particular the least developed among them and small island developing States, to conserve and manage straddling fish stocks and highly migratory fish stocks and to develop their own fisheries for such stocks,

Calling attention to the circumstances affecting fisheries in many developing States, in particular African States and small island developing States,

Taking into account that, in accordance with the Convention, the Agreement and the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations, States fishing for straddling fish stocks or highly migratory fish stocks on the high seas, and relevant coastal States, shall give effect to their duty to cooperate either directly or by becoming members of the subregional or regional fisheries management organizations or participants in arrangements of that nature, or by agreeing to apply the conservation and management measures established by such organizations or arrangements, and that States having a real interest in the fisheries concerned may become members of such organizations or participants in such arrangements,

Recognizing the importance of the Agreement for the conservation and management of straddling fish stocks and highly migratory fish stocks and the need for the regular consideration by the General Assembly of developments relating thereto,

Noting the outcomes of the first informal consultations of States parties to the Agreement, and taking into account the recommendations to the General Assembly by the States parties that participated in that meeting,

Emphasizing that, as recognized during the first informal consultations of States parties to the Agreement, implementation of the provisions in Part VII of the Agreement is fundamental to the successful implementation of the Agreement and, in particular, to assisting developing States, in particular the least developed among them and small island developing States, in meeting their obligations and realizing their rights under the Agreement,

Welcoming the conclusion of negotiations, and the ongoing preparatory work, to establish new regional instruments, arrangements and organizations in several heretofore unmanaged fisheries, and noting the role of the Convention and the Agreement, while taking into account the Code of Conduct for Responsible Fisheries, in the elaboration of these instruments, arrangements and organizations,

Welcoming also the fact that a growing number of States, and entities referred to in the Convention and in article 1, paragraph 2 (b) of the Agreement, as well as regional and subregional fisheries management organizations and arrangements, have enacted legislation, established regulations, adopted conventions or taken other measures as steps towards implementation of the provisions of the Agreement, that have not done so to ratify or accede to it and to consider applying it provisionally;

3. Calls upon all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention, which sets out the legal framework within which all activities in the oceans and seas must be carried out, taking into account the relationship between the Convention and the Agreement;

4. Reaffirms the outcomes of the World Summit on Sustainable Development, in particular those relating to the conservation and management of straddling fish stocks and highly migratory fish stocks;

5. Emphasizes the importance of the effective implementation of the provisions of the Agreement, including those provisions relating to bilateral, regional and subregional cooperation in enforcement, and urges continued efforts in this regard;

6. Urges all States and entities referred to in the Convention and in article 1, paragraph 2 (b) of the Agreement, to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, to ensure the effective conservation, management and long-term sustainability of such stocks, to agree upon measures necessary to coordinate and, where there are no subregional or regional fisheries management organizations or arrangements in respect of particular straddling or highly migratory fish stocks, to cooperate to establish such organizations or enter into other appropriate arrangements;

7. Welcomes the initiative of negotiations and ongoing preparatory work to establish regional and subregional fisheries management organizations or arrangements in several fisheries, and urges participants in those negotiations to apply provisions of the Convention and the Agreement to their work;

8. Calls upon all States to ensure that their vessels comply with the conservation and management measures that have been adopted by subregional and regional fisheries management organizations and arrangements in accordance with relevant provisions of the Convention and of the Agreement;

9. Invites States and international financial institutions and organizations of the United Nations system to provide assistance according to Part VII of the Agreement, including, if appropriate, the development of special financial mechanisms or instruments to assist developing States, in particular the least developed among them and small island developing States, to enable them to develop their national capacity to exploit fishery resources, including developing their domestically flagged fishing fleet, value-added processing and the expansion of their economic base in the fishing industry, consistent with the duty to ensure the proper conservation and management of those fisheries resources;

10. Invites States and relevant intergovernmental organizations to develop projects, programmes and partnerships with relevant stakeholders and mobilize resources for the effective implementation of the outcome of the African Process for the Protection and Development of the Marine and Coastal Environment, and to consider the inclusion of fisheries components in this work;
11. Also invites States and relevant intergovernmental organizations to further implement sustainable fisheries management and improve financial returns from fisheries by supporting and strengthening relevant regional fisheries management organizations, as appropriate, such as the recently established Caribbean Regional Fisheries Mechanism and such agreements as the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific;

12. Recognizes the benefits of developing a programme of assistance with multiple components in accordance with Part VII of the Agreement, to complement programmes at the bilateral, subregional, regional and global levels;

13. Requests the Secretary-General to include in his next report on the status and implementation of the Agreement a background study on current activities under Part VII of the Agreement, and emphasizes the importance of this request in the context of the development of terms of reference for a Part VII fund, calls for the study to include a survey of current assistance programmes under way in support of Part VII principles and an analysis of such programmes, and requests that the study be completed before the next round of informal consultations of the Secretary-General with States parties to the Agreement;

14. Considers that one component of a programme of assistance to be developed in accordance with Part VII of the Agreement should be the establishment of a voluntary trust fund (Part VII fund) within the United Nations system, to support developing States parties, in particular the least developed among them and small island developing States, dedicated to Part VII implementation, notes the role of the Food and Agriculture Organization of the United Nations as the specialized agency responsible for fisheries, and that of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat as the secretariat for the Agreement, and requests the Committee on Fisheries of the Food and Agriculture Organization at its next meeting to consider its participation in the development and management of the Part VII fund;

15. Urges States parties to the Agreement to develop detailed terms of reference for the Part VII fund, and requests that the following activities be considered for early implementation through the Part VII fund:

(a) Facilitating the participation of developing States parties in relevant regional and subregional fisheries management organizations and arrangements;

(b) Assisting with travel costs associated with the participation of developing States parties in meetings of relevant regional and global organizations;

(c) Supporting ongoing and future negotiations to establish new regional or subregional fisheries management organizations and arrangements in areas where such bodies are not currently in place, and to strengthen existing regional and subregional fisheries management organizations and arrangements;

(d) Building capacity for activities in key areas such as monitoring, control and surveillance, data collection and scientific research;

(e) Exchanging information and experience on the implementation of the Agreement;

(f) Assisting with human resources development and technical assistance;

16. Emphasizes the importance of outreach to potential donor organizations to contribute to the programme of assistance;

17. Recalls paragraph 6 of its resolution 56/13, and requests the Secretary-General to convene a second round of informal consultations with States that have either ratified or acceded to the Agreement, for the purposes and objectives of considering the national, regional, subregional and global implementation of the Agreement, and making any appropriate recommendation to the General Assembly;

18. Requests the Secretary-General to invite States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, to the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and other specialized agencies, the Commission on Sustainable Development, the World Bank, the Global Environment Facility and other relevant international financial institutions, regional fisheries bodies and arrangements and relevant non-governmental organizations to attend the second round of informal consultations with States parties to the Agreement as observers;

19. Also requests the Secretary-General to develop, in consultation with the Food and Agriculture Organization of the United Nations, a voluntary survey to solicit information from States parties and other States that may wish to participate, as well as regional and subregional fisheries management organizations and arrangements, on activities related to the implementation of provisions of the Agreement, similar to the survey currently in use by the Food and Agriculture Organization concerning implementation of the Code of Conduct for Responsible Fisheries, with a view to encouraging through this mechanism a greater exchange of information with regard to implementation of the Agreement, and to include the results of the survey in the report of the Secretary-General to the General Assembly at its fifty-ninth session, on the understanding that such a report will also be available to the second round of informal consultations of States parties for their consideration;

20. Further requests the Secretary-General to submit to the General Assembly at its fifty-eighth session a report on “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”, taking into account information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations, and consisting of elements to be provided by the General Assembly in its resolution on fisheries to be adopted at the fifty-eighth session;

Institutions created by the Convention

International Seabed Authority

Through the International Seabed Authority, established by UNCLOS and the 1994 Implementation Agreement [YUN 1994, p. 1301], States organized and conducted exploration of the resources of the seabed and ocean floor and subsoil beyond the limits of national jurisdiction. In 2002, the Authority, which had 141 members as at 31 December, held its eighth session (Kingston, Jamaica, 5-16 August) [ISBA/8/A/5 & Add.1].

On 24 March, the Authority entered into a 15-year contract with India to explore for polymetallic nodules in the deep seabed, in accordance with the 2000 Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area [YUN 2000, p. 1257].

Evaluation of the annual reports required of and submitted by the contractors, which had entered into a similar 15-year contractual relationship with the Authority in 2001 [YUN 2001, p. 1235], was completed by the Legal and Technical Commission of the Authority’s Council. In the light of a number of elements missing from those reports, the Commission on the Limits of the Continental Shelf, at its meeting during the Authority’s eighth session, adopted a report format and structure, including a standardized contents list.

Although much progress had been made in talks between the Authority and its host country (Jamaica), no supplementary agreement concerning the Authority’s continued use of its headquarters had been concluded.

As at 31 December, the 1998 Protocol on the Privileges and Immunities of the International Seabed Authority [YUN 1998, p. 1225] had 28 signatories and nine ratifications/accessions. The Protocol would enter into force 30 days after the date of deposit of the tenth instrument of ratification or accession.

International Tribunal for the Law of the Sea

The International Tribunal for the Law of the Sea held its thirteenth (4-15 March) and fourteenth (25 September–8 October) sessions at its seat in Hamburg, Germany [SPLOS/92].

Regarding its judicial work, the Tribunal, on 23 December, delivered its judgment in the Volga case (Russian Federation v. Australia). In the MOX Plant case (Ireland v. United Kingdom), the Tribunal received copies of communications dated 1 and 6 February from Ireland and the United Kingdom, respectively, concerning questions and responses between the parties. By communications of 8 and 17 April from the United Kingdom and Ireland, respectively, the Tribunal was informed that an arbitral tribunal had been constituted in accordance with annex VII to the Convention, to deal with the dispute concerning the MOX Plant.


The thirteenth Meeting of States Parties to the Convention approved the Tribunal’s proposed 2003 budget in the amount of $7,798,300.

Commission on the Limits of the Continental Shelf

In 2002, the Commission on the Limits of the Continental Shelf, established in 1997 [YUN 1997, p. 1362], held its tenth (25 March–12 April) [CLCS/32] and eleventh (24-28 June) [CLCS/34] sessions, both in New York.

At its tenth session, the 21-member Commission reviewed its scientific and technical guidelines; the basic flowchart for preparation of submissions by coastal States to the Commission; and the outline of a five-day training course for delineation of the outer limits of the continental shelf beyond 200 nautical miles and for preparation of submissions by coastal States.

The Commission established a subcommission to examine the first submission by a coastal State, the Russian Federation, proposing the outer limits of its continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea was measured. The subcommission submitted its final recommendations dated 14 June to the Commission at its eleventh session. The Commission, after making several amendments to those recommendations, adopted them by consensus for transmittal to the coastal State concerned and to the Secretary-General.
Other developments related to the Convention

Report of Secretary-General. In response to General Assembly resolution 56/12 [YUN 2000, p. 1256], the Secretary-General submitted, in March, his annual report on oceans and the law of the sea [A/57/5 & Add.1], in which he described progress in the implementation of UNCLOS and its two related Agreements. Issues covered included developments in maritime space; shipping and navigation; crimes at sea; sustainable development of marine resources and protection of the underwater cultural heritage; marine environment; marine science and technology; settlement of disputes; cross-cutting issues of capacity-building, regional cooperation and coordination, and integrated ocean management; and international cooperation and coordination.

The Secretary-General noted that 2002 was a significant year for the world’s oceans and seas, as it marked the twentieth anniversary of the opening for signature of UNCLOS, to commemorate which the Assembly devoted its 9 and 10 December plenary meetings to consideration of the item “Oceans and the law of the sea”. The World Summit on Sustainable Development (Johannesburg, South Africa, 26 August–4 September) (see p. 821), which undertook a 10-year review of Agenda 21 [YUN 1992, p. 67], a programme of action for sustainable development, including of the world’s oceans and seas and their resources, adopted the Johannesburg Plan of Action and Plan of Implementation, outlining, among other actions, those designed to ensure the sustainable development of the oceans, including fisheries, conservation and management, and maritime safety. The first informal meeting of States parties to 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 [YUN 1995, p. 1334] convened in July and recommended a number of actions to be undertaken by the Assembly (see resolution 57/143 on p. 1318).

The Secretary-General considered it remarkable that different forums had finally adopted a unified approach to oceans and seas. He urged the international community to focus, during the anniversary year, on actions that would contribute to the realization of optimal benefits from the world’s oceans and seas, while minimizing problems with regard to the limitations in harnessing the marine potential and the degradation of the marine environment and resources.

United Nations Open-ended Informal Consultative Process

As requested in General Assembly resolution 56/12 [YUN 2000, p. 1256], the third meeting of the United Nations Open-ended Informal Consultative Process (New York, 8–15 April) [A/57/80] focused its discussions on the protection and preservation of the marine environment; and on the cross-cutting issues of capacity-building, regional cooperation and coordination, and integrated ocean management. In that regard, and also with respect to Assembly resolution 56/13 [YUN 2001, p. 1232], the Consultative Process made a number of proposals for the Assembly’s consideration.

Established by Assembly resolution 54/33 [YUN 1999, p. 994] to facilitate the Assembly’s annual review of developments in ocean affairs, the Consultative Process noted that the year 2002 marked the end of its initial three-year period and that the Assembly would need to decide on its future handling of work on oceans and the law of the sea in the light of its review of the effectiveness and utility of the Consultative Process. In December, the Assembly decided to continue with the Consultative Process for a further three years (see below).

GENERAL ASSEMBLY ACTION

On 12 December [meeting 74], the General Assembly adopted resolution 57/141 [draft: A/57/L.48/Rev.1 & Add.1] by recorded vote (132-1-2) [agenda item 25 (a)].

Oceans and the law of the sea

The General Assembly, Recalling its resolutions 49/28 of 6 December 1994, 52/26 of 26 November 1997, 54/33 of 24 November 1999, 55/7 of 30 October 2000, 56/12 of 28 November 2001 and other relevant resolutions adopted subsequent to the entry into force of the United Nations Convention on the Law of the Sea (“the Convention”) on 16 November 1994, Emphasizing the universal and unified character of the Convention and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable development of the oceans and seas, Reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21, Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach, Convinced of the need, building on arrangements established in accordance with the Convention, to im-
prove coordination at the national level and cooperation and coordination at both intergovernmental and inter-agency levels, in order to address all aspects of oceans and seas in an integrated manner.

Recognizing the important role that the competent international organizations have in relation to ocean affairs, in implementing the Convention and in promoting the sustainable development of the oceans and seas,

Welcoming the outcome of the World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002,

Recalling the essential role of international cooperation and coordination in promoting the integrated management and sustainable development of the oceans and seas, and recalling also the role of international cooperation and coordination on a bilateral basis and, where applicable, within a subregional, regional, interregional or global framework to support and supplement the national efforts of all States, including coastal States, in promoting the implementation and observance of the Convention and the integrated management and sustainable development of coastal and marine areas,

Recalling also article 200 of the Convention, in which States are encouraged to participate actively in regional and global programmes to acquire knowledge for the assessment of the nature and extent of marine pollution, and welcoming in this regard the recommendation of the World Summit on Sustainable Development to establish by 2004 a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and foreseeable, building on existing regional assessments,

Underlining once again the essential need for capacity-building to ensure that all States, especially developing countries, in particular least developed countries and small island developing States, are able both to implement the Convention and to benefit from the sustainable development of the oceans and seas, as well as to participate fully in global and regional forums and processes dealing with oceans and law of the sea issues,

Emphasizing the need to strengthen the ability of competent international organizations to contribute, at the global, regional, subregional and bilateral levels, including through cooperation programmes with Governments, to the development of national and local capacity in marine science and the sustainable management of oceans and their resources,

Taking note of the report of the Secretary-General, and emphasizing in this regard the critical role of the annual comprehensive report of the Secretary-General, which integrates information on developments relating to the implementation of the Convention and the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea at the global and regional levels and as a result constitutes the basis for the annual consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review,

Taking note also of the report on the work of the United Nations Open-ended Informal Consultative Process (“the Consultative Process”) established by the General Assembly in its resolution 54/33 in order to facilitate the annual review by the Assembly of developments in ocean affairs at its third meeting,

Reiterating its concern at the adverse impacts on the marine environment from ships, including pollution, in particular through the illegal release of oil and other harmful substances and the dumping of hazardous waste, including radioactive materials, nuclear waste and dangerous chemicals, as well as physical impacts on coral,

Welcoming resolution GC(46)/RES/9 adopted on 20 September 2002 by the General Conference of the International Atomic Energy Agency at its forty-sixth regular session, concerning measures to strengthen international cooperation in nuclear, radiation, transport and waste safety, including those aspects relating to maritime transport safety,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28, 52/26 and 54/33, and in this context the expected increase in responsibilities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat in view of the progress in the work of the Commission on the Limits of the Continental Shelf (“the Commission”) and the anticipated receipt of submissions from States, in addition to the expected growing involvement of the Division with requests for technical assistance from States and its role in inter-agency coordination and cooperation,

I. Implementation of the Convention and related agreements and instruments

1. Calls upon all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Agreement”);

2. Reaffirms the unified character of the Convention;

3. Once again calls upon States to harmonize, as a matter of priority, their national legislation with the provisions of the Convention, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or have made when signing, ratifying or acceding to the Convention are in conformity therewith and, otherwise, to withdraw any of their declarations or statements that are not in conformity;

4. Encourages States parties to the Convention to deposit with the Secretary-General charts and lists of geographical coordinates, as provided for in the Convention;

5. Welcomes the entry into force on 11 December 2000 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 calls upon all States that have not yet done so to become parties to it;

6. Emphasizes the essential need also to improve the implementation of international agreements in accordance with article 311 of the Convention and, where
appropriate, to foster the conditions for the application of instruments of a voluntary nature, and recalls the important role of international organizations in achieving these goals;

II. World Summit on Sustainable Development

7. Welcomes the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"), adopted on 4 September 2002, which once again emphasizes the importance of addressing the sustainable development of oceans and seas and provides for the further implementation of chapter 17 of Agenda 21;

8. Also welcomes the commitments set out in the Johannesburg Plan of Implementation to actions at all levels, within specific periods for certain goals, to ensure the sustainable development of the oceans, including sustainable fisheries, the promotion of the conservation and management of the oceans, the enhancement of maritime safety and the protection of the marine environment from pollution, and the improvement of scientific understanding and assessment of marine and coastal ecosystems as a fundamental basis for sound decision-making;

III. Meeting of States Parties

9. Requests the Secretary-General to convene the thirteenth Meeting of States Parties to the Convention in New York from 9 to 13 June 2003 and to provide the services required;

IV. Settlement of disputes

10. Notes with satisfaction the continued contribution of the International Tribunal for the Law of the Sea ("the Tribunal") to the peaceful settlement of disputes in accordance with Part XV of the Convention, underlines its important role and authority concerning the interpretation or application of the Convention and the Agreement, encourages States parties to the Convention to consider making a written declaration choosing from the means set out in article 287 for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement and invites States parties to note the provisions of annexes V, VI, VII and VIII to the Convention concerning, respectively, conciliation, the Tribunal, arbitration and special arbitration;

11. Equally pays tribute to the important and long-standing role of the International Court of Justice with regard to the peaceful settlement of disputes concerning the law of the sea;

12. Recalls the obligation under article 296 of the Convention requiring all parties to a dispute before a court or a tribunal referred to in article 287 of the Convention to comply promptly with any decision rendered by such court or tribunal;

13. Encourages States parties to the Convention that have not yet done so to nominate conciliators and arbitrators in accordance with annexes V and VII to the Convention, and requests the Secretary-General to continue to update and circulate lists of these conciliators and arbitrators on a regular basis;

V. The Area

14. Notes with satisfaction the first examination by the Council of the International Seabed Authority ("the Authority") of annual reports on prospecting and exploration for polymetallic nodules in the Area submitted by contractors to the Authority;

15. Notes the preliminary discussion of issues relating to the regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts in the Area;

16. Reiterates the importance of the ongoing elaboration by the Authority, pursuant to article 45 of the Convention, of rules, regulations and procedures to ensure the effective protection of the marine environment, the 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;

VI. Effective functioning of the Authority and the Tribunal

17. Appeals to all States parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal in full and on time, and appeals also to all former provisional members of the Authority to pay any outstanding contributions;

18. Calls upon States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal and to the Protocol on the Privileges and Immunities of the Authority;

VII. The continental shelf and the work of the Commission

19. Notes with satisfaction the progress in the work of the Commission, especially that the consideration of submissions regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles has begun with receipt of the first submission, made by the Russian Federation on 20 December 2001;

20. Encourages States parties that are in a position to do so to make every effort to make submissions to the Commission within the time period established by the Convention, taking into account the decision of the eleventh Meeting of States Parties to the Convention;

21. Encourages States and relevant international organizations and institutions to consider developing and making available training courses to assist developing States in the preparation of such submissions, based on the outline for a five-day training course prepared by the Commission in order to facilitate the preparation of submissions in accordance with its Scientific and Technical Guidelines;

22. Approves the convening by the Secretary-General of the twelfth session of the Commission in New York from 28 April to 2 May 2003, followed by two weeks of meetings of a subcommission in the event that a submission is made to the Commission, and of the thirteenth session of the Commission from 25 to 29 August 2003;

VIII. Marine science and technology

23. Stresses the importance of the issues of marine science and technology and the need to focus on how best to implement the many obligations of States and competent international organizations under Parts XIII and XIV of the Convention, and calls upon States to adopt, as appropriate and in accordance with international law, such national laws, regulations, policies and procedures as are necessary to promote and facilitate marine scientific research and cooperation, espe-
cially those relating to consent for marine scientific research projects as provided for in the Convention;

24. **Calls upon** States, through national and regional institutions, to ensure that, in respect of marine scientific research conducted pursuant to Part XIII of the Convention in areas over which a coastal State has jurisdiction, the rights of the coastal State under the Convention are respected and that, at the request of the coastal State, information, reports, results, conclusions and assessments of data, samples and research results are made available, and access to data and samples are provided, to that coastal State;

25. **Urges** relevant bodies of the United Nations system to develop, with the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization acting as a focal point and, where appropriate, other competent organizations, appropriate interactions in the field of marine science with regional fisheries organizations, environmental and scientific bodies or regional centres foreseen by Part XIV of the Convention, and encourages States to strengthen existing centres and to establish, where appropriate, such regional centres;

IX. **Maritime safety and security**

26. **Urges** all States and relevant international bodies to cooperate to prevent and combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building, prevention, reporting and investigating incidents, and bringing the alleged perpetrators to justice, in accordance with international law, and through the adoption of national legislation, as well as through training seafarers, port staff and enforcement personnel, providing enforcement vessels and equipment and guarding against fraudulent ship registration;

27. **Calls upon** States and private entities concerned to cooperate fully with the International Maritime Organization, including by submitting reports on incidents to the organization and by implementing its guidelines on preventing attacks of piracy and armed robbery;

28. **Urges** States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol, invites States to participate in the review of those instruments by the Legal Committee of the International Maritime Organization to strengthen the means of combating such unlawful acts, including terrorist acts, and further urges States to take appropriate measures to ensure the effective implementation of those instruments, in particular through the adoption of legislation, where appropriate, aimed at ensuring that there is a proper framework for responses to incidents of armed robbery and terrorist acts at sea;

29. **Welcome** initiatives at the International Maritime Organization to counter the threat to maritime security from terrorism, and encourages States to support this endeavour fully, including at the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea of 1974, which is being held in London from 9 to 13 December 2002;

30. **Once again invites** the International Hydrographic Organization, in cooperation with other relevant international organizations and interested Member States, to provide the necessary assistance to States, in particular to developing countries, in order to enhance hydrographic capability to ensure, in particular, the safety of navigation and the protection of the marine environment;

31. **Notes** the increasing problem of unsafe transport at sea generally, and particularly in the smuggling of migrants;

32. **Urges** Member States to work together cooperatively and with the International Maritime Organization to strengthen measures to prevent the embarkation of ships involved in the smuggling of migrants;

33. **Urges** States that have not yet done so to become parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and to take appropriate measures to ensure its effective implementation;

34. **Welcomes** the initiatives by the International Maritime Organization, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration to address the issue of the treatment of persons rescued at sea;

X. **Capacity-building**

35. **Reiterates** its call in paragraph 8 of its resolution 56/12, in line as well with the Johannesburg Plan of Implementation, for reviews by the relevant international organizations and financial institutions and the donor community of the efforts to build capacity in order to identify the gaps that may need to be filled for ensuring consistent approaches, both nationally and internationally, in order to implement the Convention and chapter 17 of Agenda 21;

36. **Calls upon** bilateral and multilateral donor agencies to keep their programmes systematically under review to ensure the availability in all States, particularly in developing States, of the economic, legal, navigational, scientific and technical skills necessary for the full implementation of the Convention and the sustainable development of the oceans and seas nationally, regionally and globally, and in so doing to bear in mind the rights of landlocked developing States;

37. **Calls upon** States and international financial institutions, including through bilateral, regional and international cooperation programmes and technical partnerships, to continue to strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research by, **inter alia**, training the necessary skilled personnel, providing the necessary equipment, facilities and vessels, and transferring environmentally sound technologies;

38. **Calls upon** the United Nations Environment Programme, working within the Global Resource Information Database (GRID) system for data and information management, to expand on a voluntary basis the capacity of existing GRID centres to store and handle research data from the outer continental margin, on a basis to be mutually agreed with the coastal State, and complementary to existing regional data centres, giving due regard to confidentiality needs and in accordance with Part XIII of the Convention, and making use of existing data management mechanisms under the Intergovernmental Oceanographic Commission and the International Hydrographic Organization, with a view to serving the needs of coastal
States, and in particular developing countries and small island developing States, in their compliance with article 76 of the Convention;

39. **Encourages** States to assist developing States, and especially least developed States and small island developing States, on a bilateral and, where appropriate, regional level, in the preparation of submissions to the Commission, including the assessment of the nature of the continental shelf of a coastal State made in the form of a desktop study, and the mapping of the outer limits of its continental shelf;

40. **Requests** the Secretary-General to compile in a uniform format a directory of sources of training, advice and expertise and technological services, including relevant institutions and other sources of technical information and practice, which may contribute to the preparation of such submissions, to be available to Member States and to be posted on the web site of the Division for Ocean Affairs and the Law of the Sea of the Secretariat, bearing in mind that an entry in the directory would not imply official endorsement by the Secretariat of any such sources;

**XI. Marine environment, marine resources and sustainable development**

41. **Emphasizes once again** the importance of the implementation of Part XII of the Convention in order to protect and preserve the marine environment and its living marine resources against pollution and physical degradation, and calls upon all States to cooperate and take measures, directly or through competent international organizations, for the protection and preservation of the marine environment;

42. **Calls upon** States to continue to prioritize action on marine pollution from land-based sources as part of their national sustainable development strategies and programmes, in an integrated and inclusive manner, as a means of implementing the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities;

43. **Also calls upon** States to advance the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and the Montreal Declaration on the Protection of the Marine Environment from Land-based Activities, to enhance maritime safety and the protection of the marine environment from pollution and other physical impacts, and to improve the scientific understanding and assessment of marine and coastal ecosystems as a fundamental basis for sound decision-making through the actions identified in the Johannesburg Plan of Implementation;

44. **Invites** all relevant United Nations agencies to review individually their arrangements for collecting information and data relevant to the marine environment and for ensuring the quality of those data, using to the fullest possible extent what is available at the regional level, and to consider collectively how to ensure that the resulting information and data sets provide, within the constraints of existing resources, an acceptably consistent, coherent and comprehensive basis for international decision-making;

45. **Decides** to establish by 2004 a regular process under the United Nations for the global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and forecastable, building on existing regional assessments, and requests the Secretary-General, in close collaboration with Member States, relevant organizations and agencies and programmes of the United Nations system, namely, the United Nations Environment Programme, the Intergovernmental Oceanographic Commission, the Food and Agriculture Organization of the United Nations, the International Maritime Organization, the World Health Organization, the International Atomic Energy Agency, the World Meteorological Organization and the secretariat of the Convention on Biological Diversity, other competent intergovernmental organizations and relevant non-governmental organizations, to prepare proposals on modalities for a regular process for the global reporting and assessment of the state of the marine environment, drawing, inter alia, upon the work of the United Nations Environment Programme pursuant to Governing Council decision 21/15, and taking into account the recently completed review by the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection, and to submit these proposals to the General Assembly at its fifty-eighth session for its consideration and decision, including on the convening of a possible intergovernmental meeting;

46. **Encourages** States to ratify or to accede to international agreements to prevent, reduce, control and eliminate pollution from ships, dumping, the carriage of hazardous and noxious substances, anti-fouling systems on ships and persistent organic pollutants, as well as agreements that provide for compensation for damage resulting from marine pollution;

47. **Welcomes** the decision of the International Maritime Organization to approve in principle the concept of a voluntary Model Audit Scheme as a means of enhancing the performance of member States in implementing appropriate conventions of the organization relating to maritime safety and the prevention of maritime pollution, and encourages the organization to continue to develop such a scheme;

48. **Notes with deep concern** the extremely serious damage of an environmental, social and economic nature brought about by oil spills as a result of recent maritime accidents which have affected several countries, and therefore calls upon all States and relevant international organizations to adopt all necessary and appropriate measures in accordance with international law to prevent catastrophes of this kind from occurring in the future;

49. **Invites** States to cooperate at the regional level to develop regionally shared goals and timetables in pursuance of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, including through regional seas conventions;

50. **Calls upon** States to take measures for the protection and preservation of coral reefs and to support international efforts in this regard, in particular the measures outlined in decision VI/5 adopted by the Conference of the Parties to the Convention on Biological Diversity at its sixth meeting, held in The Hague from 7 to 19 April 2002;

51. **Also calls upon** States to develop national, regional and international programmes for halting the loss of marine biodiversity, in particular fragile ecosystems;
52. Further calls upon States to accelerate the development of measures to address the problem of invasive alien species in ballast water, and urges the International Maritime Organization to finalize the International Convention on the Control and Management of Ships’ Ballast Water and Sediments.

53. Calls upon States to promote the conservation and management of the oceans in accordance with chapter 17 of Agenda 21 and other relevant international instruments, to develop and facilitate the use of diverse approaches and tools, including the ecosystem approach, the elimination of destructive fishing practices, the establishment of marine protected areas consistent with international law and based on scientific information, including representative networks by 2022 and time/area closures for the protection of nursery grounds and periods, proper coastal and land use and watershed planning, and the integration of marine and coastal areas management into key sectors;

54. Urges States to take all necessary steps to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, adopted by the Committee on Fisheries of the Food and Agriculture Organization of the United Nations, which has special knowledge and expertise in various aspects of fisheries, in implementing the Code of Conduct for Responsible Fisheries, for the conservation and management of fisheries resources;

55. Encourages relevant international organizations, including the Food and Agriculture Organization of the United Nations, the International Hydrographic Organization, the International Maritime Organization, the International Seabed Authority, the United Nations Environmental Programme, the World Meteorological Organization, the secretariat of the Convention on Biological Diversity and the United Nations Secretariat (Division for Ocean Affairs and the Law of the Sea), with the assistance of regional and subregional fisheries management organizations and arrangements;

56. Encourages regional consultation, including through regional forums and arrangements, to consider urgent ways to integrate and improve, on a scientific basis, the management of risks to marine biodiversity of seamounts and certain other underwater features within the framework of the Convention;

XII. Regional cooperation

57. Emphasizes the importance of regional organizations and arrangements for cooperation and coordination in integrated oceans management, and, where there are separate regional structures for different aspects of oceans management, such as environmental protection, fisheries management, navigation, scientific research and maritime delimitation, calls for measures to integrate these different structures, where appropriate, to work together for optimal cooperation and coordination;

58. Takes note of the Fund for Peace: Peaceful Settlement of Territorial Disputes established by the General Assembly of the Organization of American States in 2000 as a primary mechanism, given its broader regional scope, for the prevention and resolution of pending territorial, land border and maritime boundary disputes, and also notes of the Caribbean-focused Trust Fund established by the Conference on Maritime Delimitation in the Caribbean, held in Mexico City from 6 to 8 May 2002, which is intended to facilitate, mainly as a conduit for technical assistance, the voluntary undertaking of maritime delimitation negotiations between Caribbean States, and calls upon States and others in a position to do so to contribute to these Funds;

59. Also takes note of the Pacific Islands Regional Ocean Policy approved at the thirty-third meeting of the Pacific Island Forum, held in Suva from 15 to 17 August 2002;

XIII. Open-ended informal consultative process on oceans and the law of the sea

60. Reaffirms its decision to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea, welcomes the work of the Consultative Process over the past three years, notes the contribution of the Consultative Process to strengthening the annual debate of the General Assembly on oceans and the law of the sea, and decides to continue with the Consultative Process for the next three years, in accordance with resolution 54/33, with a further review of its effectiveness and utility by the Assembly at its sixtieth session;

61. Requests the Secretary-General to convene the meeting of the Consultative Process in New York from 2 to 6 June 2003, and to provide it with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division for Ocean Affairs and the Law of the Sea, in cooperation with other relevant parts of the Secretariat, including the Division for Sustainable Development of the Department of Economic and Social Affairs, as appropriate;

62. Recommends that, in its deliberations on the report of the Secretary-General on oceans and the law of the sea at its meeting, the Consultative Process should organize its discussions around the following areas:

(a) Protecting vulnerable marine ecosystems;

(b) The safety of navigation; for example, capacity-building for the production of nautical charts;

as well as issues discussed at previous meetings;

XIV. Inter-agency coordination and cooperation

63. Invites the Secretary-General to establish an effective, transparent and regular inter-agency coordination mechanism on oceans and coastal issues within the United Nations system;

64. Recommends that this new mechanism should have a clear mandate and be established on the basis of principles of continuity, regularity and accountability, taking into account paragraph 49 of Part A of the report on the work of the Consultative Process at its third meeting;

65. Invites Member States and, where appropriate, competent international organizations to identify focal points for the exchange of practical and administrative information concerning law of the sea and ocean issues with the Secretariat;

66. Requests the Secretary-General to bring the present resolution to the attention of heads of intergovernmental organizations, the specialized agencies and funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law
of the sea, drawing their attention to paragraphs of particular relevance to them, and underlines the importance of their constructive and timely input for the report of the Secretary-General on oceans and the law of the sea;

67. Invites the competent international organizations, as well as funding institutions, to take specific account of the present resolution in their programmes and activities and to contribute to the preparation of the comprehensive report of the Secretary-General on oceans and the law of the sea;

XV. Activities of the Division for Ocean Affairs and the Law of the Sea

68. Expresses its appreciation to the Secretary-General for the annual comprehensive report on oceans and the law of the sea, prepared by the Division for Ocean Affairs and the Law of the Sea, as well as for the other activities of the Division, in accordance with the provisions of the Convention and the mandate set forth in resolutions 49/28, 52/26, 54/33 and 56/12;

69. Requests the Secretary-General to continue to carry out the responsibilities entrusted to him in the Convention and related resolutions of the General Assembly, including resolutions 49/28 and 52/26, and to ensure that appropriate resources are made available to the Division for Ocean Affairs and the Law of the Sea for the performance of such responsibilities under the approved budget for the Organization;

70. Invites Member States and others in a position to do so to support the training activities under the TRAIN-SEA-COAST Programme of the Division for Ocean Affairs and the Law of the Sea;

XVI. Trust funds and fellowships

71. Recognizes the importance of the trust funds established by the Secretary-General pursuant to resolution 55/7 for the purpose of assisting States in the settlement of disputes through the Tribunal, and of assisting developing countries, in particular the least developed countries and small island developing States, in the preparation of submissions to the Commission in compliance with article 76 of the Convention, in defraying the cost of participation of Commission members in the meetings of the Commission, and in attending the meetings of the Consultative Process, as well as other trust funds established for the purpose of assisting States in the implementation of the Convention, and invites States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, to make voluntary financial or other contributions to these trust funds;

72. Invites Member States and others in a position to do so to contribute to the further development of the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea established by the General Assembly in its resolution 55/116 of 10 December 1990;

VII. Fifty-eighth session of the General Assembly

73. Requests the Secretary-General to report to the General Assembly at its fifty-eighth session on the implementation of the present resolution, including other developments and issues relating to oceans and the law of the sea, in connection with his annual comprehensive report on oceans and the law of the sea, and to provide the report in accordance with the modalities set out in resolutions 49/28, 52/26 and 54/33, and also requests the Secretary-General to make the report available, in its current comprehensive format, at least six weeks in advance of the meeting of the Consultative Process;

74. Decides to include in the provisional agenda of its fifty-eighth session the item entitled “Oceans and the law of the sea”.

RECORDED VOTE ON RESOLUTION 57/141:

In favour: Algeria, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bolivia, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Canada, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Democratic People’s Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Lao People’s Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Mauritania, Mexico, Micronesia, Monaco, Morocco, Myanmar, Namibia, Nauru, Nepal, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Viet Nam, Yugoslavia, Zambia.

Against: Turkey.

Abstaining: Colombia, Venezuela.