Chapter IV

Law of the Sea


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

Signatures and ratifications


Meeting of States Parties


Agreement relating to the Implementation of Part XI of the Convention

During 2003, the number of parties to the 1994 Agreement relating to the Implementation of Part XI of the Convention (governing exploitation of seabed resources beyond national jurisdiction), adopted by General Assembly resolution 48/263 [YUN 1994, p. 1301], reached 117. The Agreement, which entered into force on 28 July 1996 [YUN 1996, p. 1215], was to be interpreted and applied together with the Convention as a single instrument, and, in the event of any inconsistency between the Agreement and Part XI of the Convention, the provisions of the Agreement would prevail. Any ratification of or accession to the Convention after 28 July 1994 represented consent to be bound by the Agreement also. Parties to the Convention prior to the Agreement’s adoption had to deposit a separate instrument of ratification or accession to the Agreement.

Agreement relating to conservation and management of straddling fish stocks and highly migratory fish stocks

to as the Fish Stocks Agreement, it entered into force on 11 December 2001 [YUN 2001, p. 1232].

**Report of Secretary-General.** In response to General Assembly resolutions 56/13 [YUN 2001, p. 1232] and 57/143 [YUN 2002, p. 1318], the Secretary-General submitted an August report [A/58/215] on the status and implementation of the Fish Stocks Agreement and its impact on related or proposed instruments throughout the UN system, with special reference to the implementation of Part VII of the Agreement dealing with the requirements of developing States. The report discussed the role of all States in the implementation of the Agreement and of States acting through subregional and regional fisheries management organizations (RFMOs) and arrangements; peaceful dispute settlement; Part VII of the Agreement; and the impact of the Agreement’s entry into force on related or proposed international instruments.

The report concluded that the Agreement had had an important impact on the conservation and management of international fisheries, representing a benchmark for many States and recognized by the Plan of Implementation of the 2002 World Summit on Sustainable Development [YUN 2002, p. 821]; its full effect would only be achieved, however, by the wider acceptance and implementation of its provisions by all States.

The current depleted state of stocks covered by the Agreement and the costs associated with implementing the Agreement were likely to mean that the short-term focus would likely be on distribution of actual fishing opportunities and full recovery of management costs, rather than on development of new fisheries. The report recommended specific action by coastal, flag and port States; global coverage of stocks by RFMOs and strengthening of RFMOs; priority areas of assistance to developing States parties to the Agreement under a new Part VII trust fund; and cooperation and coordination at the State and UN inter-agency levels and among RFMOs.

**GENERAL ASSEMBLY ACTION**

On 24 November [meeting 64], the General Assembly adopted resolution 58/14 [draft: A/58/L.18 & Add.1] without vote [agenda item 52 (6)].


Recalling the relevant provisions of the United Nations Convention on the Law of the Sea (‘the Convention’), and bearing in mind the relationship between the Convention and the Agreement,

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,

Noting that the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations (‘the Code’) and its associated international plans of action set out principles and global standards of behaviour for responsible practices to conserve, manage and develop fisheries, including guidelines for fishing on the high seas and in areas under the national jurisdiction of other States, and on fishing gear selectivity and practices, with the aim of reducing by-catch and discards,

Noting with satisfaction the Strategy for Improving Information on Status and Trends of Capture Fisheries recently adopted by the Food and Agriculture Organization of the United Nations, and recognizing that the long-term improvement of the knowledge and understanding of fishery status and trends is a fundamental basis for fisheries policy and management for implementing the Code,

Recognizing the need to implement, as a matter of priority, the Plan of Implementation of the World Summit on Sustainable Development (‘Johannesburg Plan of Implementation’), in relation to achieving sustainable fisheries,

Deploring the fact that fish stocks, including 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,

Concerning that illegal, unreported and unregulated fishing threatens seriously to deplete populations of certain fish species and to significantly damage marine ecosystems, to the detriment of sustainable fisheries as well as the food security and the economies of many States, particularly developing States,

Recognizing that inadequate flag State control over fishing vessels, including those fishing for straddling fish stocks and highly migratory fish stocks, and insufficient monitoring, control and surveillance measures exacerbate the problem of overfishing,

Recognizing also that the interrelationship between ocean activities, such as shipping and fishing, and environmental issues needs further consideration,
Calling attention to the circumstances affecting fisheries in many developing States, in particular African States and small island developing States, and recognizing the urgent need for capacity-building to assist such States in meeting their obligations under international instruments and realizing the benefits from fisheries resources,

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, and recognizing the importance of coordination and cooperation at the global, regional, subregional as well as national levels in the areas, inter alia, of data collection, information-sharing, capacity-building and training for the conservation, management and sustainable development of marine living resources,

Recognizing the duty provided in the Convention, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas ("the Compliance Agreement"), the Agreement and the Code for flag States to exercise effective control over fishing vessels flying their flag and vessels flying their flag which provide support to such vessels, and to ensure that the activities of such vessels do not undermine the effectiveness of conservation and management measures taken in accordance with international law and adopted at the national, subregional, regional or global levels,

Recognizing also the urgent need for action at all levels to ensure the long-term sustainable use and management of fisheries resources,

Recognizing further the economic and cultural importance of sharks in many countries, the biological importance of sharks in the marine ecosystem, the vulnerability of some shark species to over-exploitation and the need for measures to promote the long-term sustainability of shark populations and fisheries,

Reaffirming its support for the initiative of the Food and Agriculture Organization of the United Nations and relevant regional and subregional fisheries management organizations and arrangements on the conservation and management of sharks, while noting with concern that only a small number of countries have implemented the International Plan of Action for the Conservation and Management of Sharks, adopted by the Food and Agriculture Organization in 1999,

Noting with satisfaction the outcomes of the second round of informal consultations of States parties to the Agreement, held in New York from 23 to 25 July 2003,

Taking note with appreciation of the report of the Secretary-General, and emphasizing the useful role that the report plays in bringing together information relating to the sustainable development of the world’s marine living resources provided by States, relevant international organizations, regional and subregional fisheries organizations and non-governmental organizations,

Noting with satisfaction that the incidence of reported large-scale pelagic drift-net fishing activities in most regions of the world’s oceans and seas has continued to be low,

Expressing concern that the practice of large-scale pelagic drift-net fishing remains a threat to marine living resources,

Emphasizing that efforts should be made to ensure that the implementation of resolution 48/235 in some parts of the world does not result in the transfer to other parts of the world of drift nets that contravene the resolution,

Expressing concern at the reports of continued loss of seabirds, particularly albatrosses, as a result of incidental mortality from longline fishing operations, and the loss of other marine species, including sharks and finfish species, as a result of incidental mortality, and noting with satisfaction the imminent entry into force of the Agreement for the Conservation of Albatrosses and Petrels under the Convention on the Conservation of Migratory Species of Wild Animals,

Welcoming 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,

Recognizing the significant contribution of sustainable fisheries to food security, income and wealth for present and future generations,

I

Achieving sustainable fisheries

1. Reaffirms the importance it attaches to the long-term conservation, management and sustainable use of the marine living resources of the world’s oceans and seas and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the Convention, in particular the provisions on cooperation set out in Part V and Part VII, section 2, of the Convention regarding straddling stocks, highly migratory species, marine mammals, anadromous stocks and marine living resources of the high seas, and where applicable, the Agreement;

2. 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;

3. Reaffirms the importance of the Johannesburg Plan of Implementation in relation to fisheries, in particular the commitment made therein to restore depleted fish stocks on an urgent basis and, where possible, not later than 2015;

4. Urges all States to apply the precautionary approach widely to the conservation, management and exploitation of fish stocks, including straddling fish stocks and highly migratory fish stocks, and calls upon States parties to the Agreement to implement fully the provisions of article 6 of the Agreement as a matter of priority;

II


5. Calls upon all States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the
Agreement, that have not done so to ratify or accede to the Agreement and to consider applying it provisionally;

6. 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;

7. Welcomes the entry into force of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean on 13 April 2003, and invites signatory States and other States with real interest whose vessels fish in the Convention area for fishery resources covered by that Convention to ratify or to accede to the Convention;

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; and

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. Decides to establish an Assistance Fund under Part VII of the Agreement to assist developing States parties in the implementation of the Agreement, to be administered by the Food and Agriculture Organization of the United Nations, which should act as the implementing office for the Fund, in collaboration with the United Nations, in accordance with the terms of reference as agreed at the second round of informal consultations of the States parties to the Agreement and appropriate arrangements made between them;

11. Emphasizes the importance of outreach to potential donor organizations to contribute to the programme of assistance, including the Assistance Fund newly established under Part VII of the Agreement;

12. Recalls paragraph 6 of its resolution 56/13, and requests the Secretary-General to convene a third round of informal consultations of States parties to the Agreement, for the purposes and objectives of considering the national, regional, subregional and global implementation of the Agreement, in particular by conducting an evaluation of the implementation of the Agreement by regional fisheries management organizations as well as considering initial preparatory steps for the review conference to be convened by the Secretary-General pursuant to article 36 of the Agreement, and making any appropriate recommendation to the General Assembly;

13. Requests the Secretary-General to invite States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, not party to the Agreement, as well as 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 fishery bodies and arrangements and relevant non-governmental organizations to attend the third round of informal consultations of States parties to the Agreement as observers;

III
Related fisheries instruments

14. Welcomes the entry into force of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean on 13 April 2003, and invites signatory States and other States with real interest whose vessels fish in the Convention area for fishery resources covered by that Convention to ratify or to accede to the Convention;

15. Urges parties to the Compliance Agreement to exchange information in the implementation of that Agreement;

16. Urges States and subregional and regional fisheries management organizations and arrangements to promote the implementation of the Code within their areas of competence;

17. Invites States to support implementation of the Strategy for Improving Information on Status and Trends of Capture Fisheries at the national and regional levels, giving particular emphasis to capacity-building in developing countries;

18. Urges States to develop and implement national and, as appropriate, regional plans of action to put into effect the international plans of action of the Food and Agriculture Organization of the United Nations, namely the International Plan of Action for the Management of Fishing Capacity, the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries, the International Plan of Action for the Conservation and Management of Sharks and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

IV
Illegal, unreported and unregulated fishing

19. Calls upon States not to permit vessels flying their flag to engage in fishing on the high seas or in areas under the national jurisdiction of other States, unless duly authorized by the authorities of the States concerned and in accordance with the conditions set out in the authorization, without having effective control over their activities, and to take specific measures, including deterring the realflagging of vessels by their nationals, in accordance with the relevant provisions of the Convention, the Agreement and the Compliance Agreement, to control fishing operations by vessels flying their flag;

20. Affirms the need to strengthen, where necessary, the international legal framework for intergovernmental cooperation, in particular at the regional and subregional levels, in the management of fish stocks and in combating illegal, unreported and unregulated fishing, in a manner consistent with international law, and for States and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement to collaborate in efforts to address these types of fishing activities;

21. Encourages States to consider becoming members of the International Monitoring, Control, and Surveillance Network for Fisheries-Related Activities,
a voluntary network of monitoring, control and surveillance professionals designed to facilitate exchange of information and to support countries in discharging their obligations pursuant to international agreements, in particular the Compliance Agreement;

22. Invites the International Maritime Organization and other relevant competent international organizations to study, examine and clarify the role of the "genuine link" in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels;

23. Calls upon flag and port States to take all measures consistent with international law necessary to prevent the operation of sub-standard vessels and illegal, unreported and unregulated fishing activities;

24. Encourages their work with regional and subregional fisheries management organizations and arrangements to develop and implement vessel monitoring systems and, where appropriate and consistent with international law, traceability schemes;

25. Urges States to develop and implement national and, where appropriate, regional plans of action, to put into effect by 2004 the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and to establish effective monitoring, reporting and enforcement and control of fishing vessels, including by flag States, to further the International Plan of Action;

26. Urges relevant regional and subregional fisheries management organizations and arrangements to implement effective measures against illegal, unreported and unregulated fishing, inter alia, by compiling a record of vessels authorized to fish in their area of competence, in accordance with the Code;

27. Urges States to eliminate subsidies that contribute to illegal, unreported and unregulated fishing and to overcapacity, while completing the efforts undertaken at the World Trade Organization to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries;

28. Commends the Food and Agriculture Organization of the United Nations for its activities in combating illegal, unreported and unregulated fishing, including its initiative to organize the intergovernmental technical consultation on illegal, unreported and unregulated fishing and fleet overcapacity, to be held in June 2004, and the intergovernmental technical consultation on the role of the port State in combating illegal, unreported and unregulated fishing, to be held in September 2004;

29. Recognizes the need for enhanced port State controls to combat illegal, unreported and unregulated fishing, urges States to cooperate, in particular at the regional level, and through regional and subregional fisheries management organizations and arrangements, as well as through participation, where appropriate, in the efforts of the Food and Agriculture Organization of the United Nations in cooperation with the International Maritime Organization to address substantive issues relating to the role of the port State, noting that such efforts include the elaboration of principles and guidelines for the establishment of regional memorandum of understanding on port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing;

30. Calls upon States and relevant regional fisheries management organizations, as a matter of priority, to take effective measures to improve the management of fishing capacity and to put into effect by 2005 the International Plan of Action for the Management of Fishing Capacity, taking into account the need, through these actions, to avoid the transfer of fishing capacity to other fisheries or areas including, but not limited to, those areas where fisheries are overexploited or in a depleted condition;

31. Urges those States and other entities referred to in article X, paragraph 1, of the Compliance Agreement that have become parties to it to establish a record of fishing vessels authorized to fish on the high seas and, pursuant to articles IV and VI thereof, to make such a record available to the Food and Agriculture Organization of the United Nations as a matter of priority, and urges the Food and Agriculture Organization to quickly establish the record of fishing vessels as called for in the Compliance Agreement;

32. Calls upon all States to assist this work of the Food and Agriculture Organization of the United Nations, to take measures to halt the increase of large-scale fishing vessels in accordance with the International Plan of Action for the Management of Fishing Capacity and to participate in the intergovernmental technical consultation on illegal, unreported and unregulated fishing and fleet overcapacity to be organized by the Food and Agriculture Organization in 2004;

V Fishing overcapacity

33. Reaffirms the importance it attaches to continued compliance with its resolution 46/215 and other subsequent resolutions on large-scale pelagic drift-net fishing, and urges States and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement to enforce fully the measures recommended in those resolutions;

VI Large-scale pelagic drift-net fishing

34. Urges States, relevant international organizations and regional and subregional fisheries management organizations and arrangements that have not done so to take action to reduce or eliminate by-catch, catch by lost or abandoned gear, fish discards and post-harvest losses, including juvenile fish, consistent with international law and relevant international instruments, including the Code, and in particular to consider measures including, as appropriate, technical measures related to fish size, mesh size or gear, discards, closed seasons and areas and zones reserved for selected fisheries, particularly artisanal fisheries, the establishment of mechanisms for communicating information on areas of high concentration of juvenile fish, taking into account the importance of ensuring confidentiality of such information, and support for studies and research that will reduce or eliminate by-catch of juvenile fish;

35. Encourages States and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement to give due consideration to participation, as appropriate, in regional and subregional organizations with mandates to conserve non-target species
taken incidentally in fishing operations, and notes in particular the Inter-American Convention for the Protection and Conservation of Sea Turtles and Their Habitats, regional sea turtle conservation instruments in the West African, the wider Caribbean, and the Indian Ocean/South-East Asia regions, the work of the Southeast Asian Fisheries Development Centre on turtle conservation and management, the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas and the Agreement on the Conservation of Albatrosses and Petrels under the Convention on the Conservation of Migratory Species of Wild Animals in this regard;

36. Notes with satisfaction the activities of the Food and Agriculture Organization of the United Nations, in cooperation with relevant United Nations agencies, in particular the United Nations Environment Programme and the Global Environment Facility, aimed at promoting the reduction of by-catch and discards in fisheries activities;

VIII

Subregional and regional cooperation

37. Urges coastal States and States fishing on the high seas, in accordance with the Convention and 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 and management of such stocks;

38. Encourages States fishing for straddling fish stocks and highly migratory fish stocks on the high seas, and relevant coastal States, where a subregional or regional fisheries management organization or arrangement has the competence to establish conservation and management measures for such stocks, to give effect to their duty to cooperate by becoming members of such an organization or participants in such an arrangement, or by agreeing to apply the conservation and management measures established by such an organization or arrangement;

39. Invites, in this regard, subregional and regional fisheries management organizations and arrangements to ensure that all States having a real interest in the fisheries concerned may become members of such organizations or participants in such arrangements, in accordance with the Convention and the Agreement;

40. Encourages relevant coastal States and States fishing on the high seas for a straddling fish stock or a highly migratory fish stock, where there is no subregional or regional fisheries management organization or arrangement to establish conservation and management measures for such stock, to cooperate to establish such an organization or enter into another appropriate arrangement to ensure the conservation and management of such stocks, and to participate in the work of the organization or arrangement;

41. Welcomes the initiation 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;

42. Encourages States to develop ocean policies and mechanisms on integrated management, including at the subregional and regional levels, and also including assistance to developing States in accomplishing these objectives, as well as by promoting improved cooperation between regional fisheries management organizations and other regional entities, such as the United Nations Environment Programme regional seas programmes and conventions:

IX

Responsible fisheries in the marine ecosystem

43. Encourages States to apply by 2010 the ecosystem approach, notes the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem and decisions V/6 and VI/12 of the Conference of the Parties to the Convention on Biological Diversity, encourages States to consider the guidelines of the Food and Agriculture Organization of the United Nations for the implementation of ecosystem considerations in fisheries management, and notes the importance to this approach of relevant provisions of the Agreement and the Code;

44. Calls upon the Food and Agriculture Organization of the United Nations, the United Nations Environment Programme, in particular its Regional Seas Programme, the International Maritime Organization, and the Food and Agriculture Organization of the United Nations and subregional fisheries management organizations and arrangements and other appropriate intergovernmental organizations to take up, as a matter of priority, the issue of marine debris as it relates to fisheries and, where appropriate, to promote better coordination and help States to implement fully relevant international agreements, including annex V to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto;

45. Urges all States to implement the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and to accelerate activity to safeguard the marine environment against pollution and physical degradation;

46. Requests the Secretary-General, in close cooperation with the Food and Agriculture Organization of the United Nations, the International Maritime Organization, and the Food and Agriculture Organization of the United Nations and subregional fisheries management organizations and arrangements and other relevant organizations, in his next report concerning fisheries to include a section outlining current risks to the marine biodiversity of vulnerable marine ecosystems including, but not limited to, seamounts, coral reefs, including cold water reefs and certain other sensitive underwater features, related to fishing activities, as well as detailing any conservation and management measures in place at the global, regional, subregional or national levels addressing these issues;

47. Calls upon States, the Food and Agriculture Organization of the United Nations and subregional or regional fisheries management organizations and arrangements to implement fully the International Plan of Action for the Conservation and Management of Sharks as a matter of priority, inter alia, by conducting assessments of shark stocks and developing and implementing national plans of action, recognizing the need of some States, in particular developing States, for assistance in this regard;

48. Urges States, including those working through subregional or regional fisheries management organizations and arrangements in implementing the Inter-
national Plan of Action for the Conservation and Management of Sharks, to collect scientific data regarding shark catches and to consider adopting conservation and management measures, particularly where shark catches from directed and non-directed fisheries have a significant impact on vulnerable or threatened shark stocks, in order to ensure the conservation and management of sharks and their long-term sustainable use, including by banning directed shark fisheries conducted solely for the purpose of harvesting shark fins and by taking measures for other fisheries to minimize waste and discards from shark catches, and to encourage the full use of dead sharks;

49. Urges all States to cooperate with the Food and Agriculture Organization of the United Nations in order to assist developing States in implementing the International Plan of Action for the Conservation and Management of Sharks, including through voluntary contributions to work of the organization, such as its FishCODE programme;

50. Invites the Food and Agriculture Organization of the United Nations, in consultation with relevant sub-regional or regional fisheries management organizations or arrangements, to prepare a study relating to the impact on shark populations of shark catches from directed and non-directed fisheries and their impact on ecologically related species, taking into account the nutritional and socio-economic considerations as reflected in the International Plan of Action for the Conservation and Management of Sharks, particularly as they relate to small-scale, subsistence and artisanal fisheries and communities, as well as updating Technical Paper 389 of the Food and Agriculture Organization, entitled “Shark utilization, marketing and trade”, in order to facilitate improved shark conservation, management and utilization, and to report to the Secretary-General for inclusion in a fisheries-related report as soon as practicable;

X

Capacity-building

51. Reiterates the crucial importance of cooperation by States directly or, as appropriate, through the relevant regional and subregional organizations, and by other international organizations, including through financial and/or technical assistance, in accordance with the Agreement, the Compliance Agreement, the Code and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, to increase the capacity of developing States to achieve the goals and implement the actions called for in the present resolution;

52. 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;

53. 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 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;

XI

Cooperation within the United Nations system

54. Requests the relevant parts of the United Nations system, international financial institutions and donor agencies to support increased enforcement and compliance capabilities for regional fisheries management organizations and their member States;

55. Invites the Food and Agriculture Organization of the United Nations to continue its cooperative arrangements with United Nations agencies on the implementation of the international plans of action and to report to the Secretary-General, for inclusion in his annual report on oceans and the law of the sea, on priorities for cooperation and coordination in this work;

XII

Fifty-ninth session of the General Assembly

56. Requests the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations and relevant non-governmental organizations, and to invite them to provide the Secretary-General with information relevant to the implementation of the present resolution;

57. Also requests the Secretary-General to submit to the General Assembly at its fifty-ninth 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 Stock and High-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 high-migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations, and consisting, inter alia, of elements provided in relevant paragraphs in the present resolution;


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 organ-
ized and conducted exploration of the resources of the seabed and ocean floor and subsoil beyond the limits of national jurisdiction. In 2003, the Authority, which had 145 members as at 31 December, held its ninth annual session (Kingston, Jamaica, 28 July–8 August) [ISBA/10/A/3]. Its subsidiary bodies, namely, the Assembly, the Council, the Legal and Technical Commission and the Finance Committee, also met during the session.

The Assembly considered the report of the Authority’s Secretary-General covering July 2002 to June 2003 [ISBA/9/A/3], who indicated that, in view of the increasing technical emphasis in the Authority’s work, he had begun developing a comprehensive three-year work plan to incorporate a review of existing staff positions and job descriptions and detailed budgetary implications of planned training programmes, with a view to strengthening the secretariat’s technical expertise in marine scientific research. He would keep the pattern of meetings under review to ensure that it met the requirements of the various organs and bodies involved and represented the most efficient mechanism for carrying out the necessary technical work.

The Legal and Technical Commission, reporting to the Council on its work during the current session [ISBA/9/C/4], acknowledged that, from its evaluation of the first set of annual (2002) reports by the seven contractors engaged in the exploration for polymetallic nodules, the contractors had taken note of the format and structure recommended by the Commission [YUN 2002, p. 1231]. It stated that, of the second set of annual reports due by the end of March, five had been received as at 10 June. The Council noted the Commission’s progress in formulating draft rules, regulations and procedures for the prospecting and exploration of polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area (the seabed area beyond the limits of national jurisdiction), including regulations for the protection and preservation of the marine environment during those operations. The Council further noted the need for a flexible approach, given the lack of scientific knowledge relating to deep sea ecosystems, and for any proposed regulations to be consistent with the existing regulatory regime for polymetallic nodules [YUN 2000, p. 1257].

On 31 May, the 1998 Protocol on the Privileges and Immunities of the International Seabed Authority [YUN 1998, p. 1260] entered into force, following the accession to it of the tenth member of the Authority, Nigeria. In a ceremony at the Authority’s headquarters on 17 December, the Supplementary Agreement between the Authority and the Government of Jamaica regarding the headquarters of the Authority and the use of the Jamaica Conference Centre complex was signed. Negotiations towards the Agreement began in 2000 [YUN 2000, p. 1257], concluded in November. The Agreement, to be applied provisionally upon signature, would enter into force upon its approval by the Assembly of the Authority and the Government of Jamaica.

International Tribunal for the Law of the Sea

The International Tribunal for the Law of the Sea held its fifteenth (10–21 March) and sixteenth (8–19 September) sessions at its seat in Hamburg, Germany [SPLOS/109].

The Tribunal met from 20 September to 8 October to deal with the Case concerning Land Reclamation by Singapore in and around the Straits of Johor (Malaysia v. Singapore). The judicial deliberations in the case were held in conjunction with the Tribunal’s September session. On 5 September, Malaysia submitted a request for the prescription of provisional measures under article 290, paragraph 5, pending the constitution of an arbitral tribunal to be established under annex VII to the Convention. A copy of a 4 July document instituting arbitral proceedings against Singapore accompanied the request, which was entered in the list of cases as Case No. 12. Pursuant to article 17, paragraph 3, of the statute, Malaysia nominated Kamal Hossain and Singapore nominated Bernard H. Oxman as judges ad hoc, who were admitted to participate in the case. By a 10 September Order, the Tribunal fixed 25 September for the opening of the hearing. On 20 September, Singapore filed its response. On 24 September, prior to the opening of the hearing, the Tribunal held initial deliberations. At five public sittings on 25, 26 and 27 September, the Tribunal heard oral arguments from the parties and their final submissions at the end of the hearing. On 8 October, the Tribunal delivered its Order.

In the Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/European Community), the Tribunal considered the requests of Chile and the European Community dated 31 October and 11 November, respectively, to continue suspension of the time limit for a further two years. By an order of 16 December, the Tribunal extended the time limit for making preliminary objections until 1 January 2006.

The thirteenth Meeting of States Parties to the Convention approved the Tribunal’s proposed 2004 budget in the amount of $8,039,000.
Commission on the Limits of the Continental Shelf

In 2003, the Commission on the Limits of the Continental Shelf, established in 1997 (YUN 1997, p. 1362), held its twelfth session (New York, 28 April–2 May) [CLCS/36]. Its thirteenth session, scheduled for 25 to 29 August, was not held as no submission from a coastal State had been received by 25 May.

At the twelfth session, the Commission considered a number of items to facilitate the process of dealing with coastal States' submissions regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, including a review of its procedural and organizational documents with a view to aligning their provisions. It decided that the operational provisions contained in its modus operandi would be combined with the internal procedure of the subcommissions set up to examine submissions into one document, and to make only editorial amendments to its Rules of Procedure and reissue it as a separate document. To address concerns of confidentiality in connection with the need of States for information and data contained in coastal States' submissions and relevant Commission recommendations, the Commission decided that its recommendations should include an executive summary containing a general description of the extended continental shelf and a set of coordinates to identify the line describing the outer limits recommended by the Commission and illustrative charts, if appropriate. The Secretary-General would then be in a position to publicize the summary at his discretion, without causing prejudice to confidentiality requirements. Also considered was the status of the training manual to assist States in preparing submissions in respect of the outer limits of the continental shelf, for which a master plan had already been prepared by the two coordinators who were members of the Commission.

Other developments related to the Convention

In response to General Assembly resolution 57/141 (YUN 2002, p. 1322), the Secretary-General submitted a March report with later addendum on oceans and the law of the sea [A/58/65 & Add.1], in which he described the status of UNCLOS and its two implementing Agreements and discussed issues related to maritime space; safety of navigation; crimes at sea; marine resources, the marine environment and sustainable development; marine science and technology; settlement of disputes; and international cooperation and coordination.

According to the report, issues dominating discussions in several forums in the area of navigation were the accelerated phase-out of single-hull oil tankers, the transport of dangerous goods by sea, coastal States' jurisdiction, capacity-building for the production of nautical charts, flag State implementation and enforcement, ports of refuge, the provision of a place of safety for persons rescued at sea, and the freedom of movement of seafarers balanced against security concerns. Urgent action to ensure the effective conservation and sustainable use of marine and coastal biodiversity was underscored. So was the role of the International Maritime Organization in establishing international rules and standards for the prevention, reduction and control of marine environment pollution from vessels (see p. 1529) and in providing a forum for the consideration of new measures, such as the designation of a large area off the coasts of several Western European countries as a particularly sensitive sea area.

The Secretary-General considered it necessary for all States to ratify or accede to UNCLOS and its implementing Agreements and to the many other agreements giving substance and detail to the basic UNCLOS principles; to implement those agreements in their national laws and administrative structures; and actively to apply and enforce those laws and regulations. It was essential to reinforce the control of flag States over their vessels and to ensure that States did not register any vessels unless they had a truly effective means of enforcing on them all the relevant international rules and standards. To enhance and facilitate inter-agency cooperation, a flexible and transparent mechanism needed to be established to review ongoing ocean-related work in each agency, fund and programme, and to prepare coordinated responses to emerging challenges or urgent issues; it should work within UN established structures, such as the United Nations System Chief Executives Board for Coordination and its High-level Committee on Programmes. Mindful that the annual report on oceans and the law of the sea could play a role in facilitating international coordination and cooperation, the Secretary-General proposed submitting two separate reports to the Assembly: one, to be prepared in time for the meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (see p. 1355), would report on the areas of focus recommended by the Assembly and on international coordination and cooperation; the other, to be prepared for the Assembly’s consideration under the agenda item on oceans and the law of the sea, would provide the traditional
Law of the Sea

comprehensive overview of developments on the subject.

**Marine environment: reporting and assessment**

In response to General Assembly resolution 57/141 [YUN 2002, p. 1322], the Secretary-General submitted an October report [A/58/425] providing an overview of the main developments concerning the proposed establishment of a regular process for the reporting and assessment of the state of the marine environment, including socio-economic aspects, that would build on ongoing assessments. The report focused on steps towards such a process and reflected some of the discussions on global marine assessment (GMA) at an inter-agency consultative meeting of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (Paris, 8-9 September).

The report concluded that: the GMA process should operate under the authority of the General Assembly; capacity-building would be among its essential elements; funding required to support a secretariat and a global scientific panel could be considerable and would also have to cover preparatory work to establish the process; the organizational model proposed by the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) appeared the most compelling; and the status of GESAMP as an existing inter-agency mechanism and its long-standing experience (since its founding in 1967) in marine assessment qualified it for a leading role in the global scientific panel. Although enough preparatory work had already been done, the practical modalities involved were complex and required further expert consideration.

**United Nations Open-ended Informal Consultative Process**

Pursuant to General Assembly resolution 57/141 [YUN 2002, p. 1322], the fourth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (New York, 2-6 June) [A/58/95] focused its discussions on the protection of vulnerable marine ecosystems and on the safety of navigation. In that regard, and also with respect to Assembly resolutions 57/142 [ibid., p. 1058] and 57/143 [ibid., p. 1318], the Consultative Process presented 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, in 2003, began the new three-year period for which it had been extended by Assembly resolution 57/141. It noted that the period since its third (2002) meeting had seen a heightened awareness of oceans issues, with the observation of the twentieth anniversary of the opening for signature of UNCLOS [YUN 2002, p. 1316] and the convening of the 2002 World Summit on Sustainable Development [ibid., p. 821].

**GENERAL ASSEMBLY ACTION**

On 23 December [meeting 79], the General Assembly adopted resolution 58/240 [draft: A/58/L.19 & Add.1] by recorded vote (156-1-2) [agenda item 52 (a)].

**Oceans and the law of the sea**

*The General Assembly,*


*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 improve 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,

*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 that the role of international cooperation and coordination on a bilateral basis and, where applicable, within a subregional, regional, interregional or global framework is 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,

*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, as well as coastal African States, are able both to implement the Convention and to benefit from the sustainable development of the oceans and seas.

Underlining 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 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.

Recalling the recommendations of the World Summit on Sustainable Development to address issues relating to 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, and the decision of the General Assembly in its resolution 57/141 to establish such a process by 2004.

Reiterating its deep concern at the situation of many of the world’s fisheries, caused principally by overcapacity, overfishing and illegal, unregulated and unreported fishing, as well as, in many areas, pollution.

Reiterating its concern at the adverse impacts on the marine environment, in particular on vulnerable marine ecosystems, including coral, of human activities, such as overutilization of living marine resources, the use of destructive fishing practices, physical impacts by ships, the introduction of alien invasive species and marine pollution from all sources, including from land-based sources and vessels, in particular through the illegal release of oil and other harmful substances and from dumping, including the dumping of hazardous waste such as radioactive materials, nuclear waste and dangerous chemicals.

Recognizing that hydrographic surveys and nautical charting are critical to the safety of navigation and life at sea, environmental protection, including vulnerable marine ecosystems and the economics of the global shipping industry, and recognizing in this regard that the move towards electronic charting not only provides significantly increased benefits for safe navigation and management of ship movement, but also provides data and information that can be used for sustainable fisheries activities and other sectoral uses of the marine environment, the delimitation of maritime boundaries and environmental protection.

Welcoming the convening by the International Atomic Energy Agency of the International Conference on the Safety of Transport of Radioactive Material, as well as the outcomes of the Conference, which provided an opportunity for States to address issues relating to the transport of radioactive materials, including by sea.

Taking note of the report of the Secretary-General, and emphasizing in this regard the critical role of the current 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 on Oceans and the Law of the Sea ("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 fourth meeting.

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 of Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat in view of the anticipated receipt of submissions from States to the Commission on the Limits of the Continental Shelf ("the Commission"), in addition to the expected growing involvement of the Division with new developments such as the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects, and with requests for technical assistance from States, and the role of the Division 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. Calls upon States that have not done so to become parties to 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;

4. 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 make 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;

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

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

II Meeting of States Parties
7. Takes note of the report of the thirteenth Meeting of States Parties to the Convention;
8. Requests the Secretary-General to convene the fourteenth Meeting of States Parties to the Convention in New York from 14 to 18 June 2004 and to provide the services required;

III Settlement of disputes
9. 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 the important role and authority of the Tribunal concerning the interpretation or application of the Convention and the Agreement, once again encourages States parties to the Convention that have not yet done so 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;
10. Equally pays tribute to the important and longstanding role of the International Court of Justice with regard to the peaceful settlement of disputes concerning the law of the sea;
11. 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 decisions rendered by such court or tribunal;
12. 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;

IV The Area
13. Notes the progress of the discussion of issues relating to the regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts in the Area;
14. Resumes the importance of the ongoing elaboration by the International Seabed Authority ("the Authority"), pursuant to article 145 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;

V Effective functioning of the Authority and the Tribunal
15. 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;
16. 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;

VI The continental shelf and the work of the Commission
17. Encourages States parties that are in a position to do so to make every effort to make submissions regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles 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;
18. Approves the convening by the Secretary-General of the thirteenth session of the Commission in New York from 26 to 30 April 2004, followed by two weeks of meetings of a subcommission in the event that a submission is made to the Commission, and of the fourteenth session of the Commission from 30 August to 3 September 2004, also followed by two weeks of meetings of a subcommission in the event that a submission is made;
19. 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;

VII Capacity-building
20. Calls upon bilateral and multilateral donor agencies and international financial institutions 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 objectives of the present resolution as well as 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;
21. Calls upon States and international financial institutions, including through bilateral, regional and global 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;
22. Encourages States to assist developing States, and especially least developed States and small island developing States, as well as coastal African 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;
VIII  

Safety of navigation and flag State implementation

23. **Encourages** States to ratify or accede to international agreements addressing the safety of navigation and to adopt the necessary measures consistent with the Convention, aimed at implementing and enforcing the rules contained in those agreements;

24. **Urges** States and regional economic integration organizations to work within the framework of the International Maritime Organization and in accordance with the Convention and international rules and regulations regarding measures related to the phase-out of single-hull tankers, and welcomes the organization’s giving priority to the consideration of any proposals related thereto;

25. **Welcomes** the work of the International Maritime Organization in developing guidelines on places of refuge for ships in need of assistance, and encourages States to draw up plans and to establish procedures to implement such guidelines for ships in waters under their jurisdiction;

26. **Also welcomes** the adoption by the General Conference of the International Atomic Energy Agency at its forty-seventh session of resolution GC(47)/REN/7, concerning measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management, including those aspects relating to maritime transport safety, in which it requested the Agency to develop an action plan, in consultation with its member States and for approval by the Board of the Agency, if possible in March 2004, based on the results of the International Conference on the Safety of Transport of Radioactive Material and within the competence of the Agency;

27. **Urges** flag States without an effective maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to ensure effective compliance with, and implementation and enforcement of, their responsibilities under international law and, until such action is undertaken, to consider declining the granting of the right to fly their flag to new vessels, suspending their registry or not opening a registry;

28. **Invites** the International Maritime Organization and other relevant competent international organizations to study, examine and clarify the role of the ‘genuine link’ in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels;

29. **Requests** the Secretary-General, in cooperation and consultation with relevant agencies, organizations and programmes of the United Nations system, to prepare and disseminate to States a comprehensive elaboration of the duties and obligations of flag States, including the potential consequences for non-compliance prescribed in the relevant international instruments;

30. **Encourages** the acceleration of the work of the International Maritime Organization in developing a voluntary model audit scheme, and urges the organization to strengthen its draft implementation code;

31. **Welcomes** the work of the Food and Agriculture Organization of the United Nations in promoting compliance by States and their fishing vessels with conservation and management measures, and requests the International Maritime Organization and the Food and Agriculture Organization to enhance their cooperation and coordination in their efforts with regard to flag State duties relating thereto, including through the Inter-Agency Consultative Group on Flag State Implementation during the period of the Group’s existence;

32. **Also welcomes** the work of the International Labour Organization to consolidate and modernize international maritime labour standards, and calls upon Member States to take an active interest in the development of these new standards for seafarers and fishers;

33. **Recognizes** the important role of port State controls in promoting the effective enforcement by flag States of, and compliance by shipowners and charterers with, flag States’ and internationally agreed safety, labour and pollution standards, as well as maritime security regulations and conservation and management measures, and further encourages Member States to improve the exchange of appropriate information between port States control authorities;

34. **Invites** the International Maritime Organization to strengthen its functions with regard to port State control in relation to safety and pollution standards as well as maritime security regulations and, in collaboration with the International Labour Organization, labour standards to promote the implementation of globally agreed minimum standards by all States, and invites the Food and Agriculture Organization of the United Nations to continue its work in promoting port State measures in relation to fishing vessels in order to combat illegal, unreported and unregulated fishing;

35. **Calls upon** flag and port States to take all measures consistent with international law necessary to prevent the operation of sub-standard vessels and illegal, unreported and unregulated fishing activities;

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

37. **Calls upon** all States and relevant international bodies to cooperate in the prevention and combating of piracy and armed robbery at sea, and urges States to give urgent attention to promoting, concluding and implementing cooperation agreements, in particular at the regional level and in high-risk areas;

38. **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;

39. **Calls upon** 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;
40. Once again 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;
41. Welcomes the work of the International Maritime Organization in developing amendments to the International Convention for the Safety of Life at Sea and to the International Convention on Maritime Search and Rescue on the delivery of persons rescued at sea to a place of safety;

IX
Capacity-building for the production of nautical charts
42. Welcomes the work of the International Hydrographic Organization and its fourteen regional hydrographic commissions and encourages increased membership of the organization, noting the capacity of the organization to provide technical assistance, facilitate training and identify potential funding sources for the development or improvement of hydrographic services, and calls upon States and agencies to support the trust fund of the organization and examine the possibility of partnerships with the private sector;
43. Invites the International Hydrographic Organization and the International Maritime Organization to continue their coordinated efforts, to jointly adopt measures with a view to encouraging greater international cooperation and coordination for the transition to electronic nautical charts and to increase the coverage of hydrographic information on a global basis, especially in the areas of international navigation and ports and where there are vulnerable or protected marine areas;
44. Encourages intensified efforts to build capacity for developing countries, in particular for the least developed countries and small island developing States, as well as coastal African States, to improve hydrographic services and the production of nautical charts, including the mobilization of resources and building of capacity with support from international financial institutions and the donor community, recognizing that economies of scale can apply in some instances at the regional level through shared facilities, technical capabilities and information for the provision of hydrographic services and the preparation of and access to nautical charts;
45. Welcomes the adoption of criteria and guidelines on the transfer of marine technology by the Intergovernmental Oceanographic Commission;

X
Marine environment, marine resources and the protection of vulnerable marine ecosystems
46. 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;
47. 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;
48. Welcomes the continued work of States, the United Nations Environment Programme and regional organizations in the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, and encourages increased emphasis on the link between freshwater, the coastal zone and marine resources in the implementation of the Millennium Development Goals, taking into account the time-bound targets in the Plan of Implementation of the World Summit on Sustainable Development (“Johannesburg Plan of Implementation”), in particular the target on sanitation, and the Monterey Consensus of the International Conference on Financing for Development;
49. 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;
50. Welcomes the work of the Convention on Biological Diversity, the Food and Agriculture Organization of the United Nations and other relevant global and regional organizations in the development of strategies and programmes for the implementation of an integrated ecosystem-based approach to management, and urges those organizations to cooperate in the development of practical guidance in this regard;
51. Reiterates its call for urgent consideration of ways to integrate and improve, on a scientific basis, the management of risks to the marine biodiversity of seamounts, cold water coral reefs and certain other underwater features;
52. Invites the relevant global and regional bodies, in accordance with their mandates, to investigate urgently how to better address, on a scientific basis, including the application of precaution, the threats and risks to vulnerable and threatened marine ecosystems and biodiversity in areas beyond national jurisdiction; how existing treaties and other relevant instruments can be used in this process consistent with international law, in particular with the Convention, and with the principles of an integrated ecosystem-based approach to management, including the identification of those marine ecosystem types that warrant priority attention; and to explore a range of potential approaches and tools for their protection and management; and requests the Secretary-General to cooperate and liaise with those bodies and to submit an addendum to his annual report to the General Assembly at its fifty-ninth session, describing the threats and risks to such marine ecosystems and biodiversity in areas beyond national jurisdiction as well as details on any conservation and management measures in place at the global, regional, subregional or national levels addressing these issues;
53. Notes the scientific and technical work under the Convention on Biological Diversity relating to marine and coastal biodiversity;

54. Affirms the efforts of States to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the establishment of marine protected areas, consistent with international law and based on the best scientific information available, and the development of representative networks of such marine protected areas by 2012;

55. Encourages States, in accordance with the Convention and other relevant instruments, either bilaterally or regionally, to jointly develop and promote contingency plans for responding to pollution incidents, as well as other incidents that are likely to have significant adverse effects on marine biodiversity;

56. Urges States and relevant global and regional bodies to enhance their cooperation in the protection of coral reefs, mangroves and seagrass beds, including through the exchange of information;

57. Reiterates its support for the International Coral Reef Initiative and welcomes the outcomes of the Second International Tropical Marine Ecosystems Management Symposium, held in Manila in 2003, supports the work under the Jakarta Mandate on the Conservation and Sustainable Use of Marine and Coastal Biological Diversity, and notes that the International Coral Reef Initiative and other relevant bodies are considering incorporating cold water coral ecosystems into their programmes of activities;

58. Encourages States to cooperate, directly or through competent international bodies, in exchanging information in the event of accidents involving foreign vessels on coral reefs, and in promoting the development of economic assessment techniques for both restoration and non-use values of coral reef systems;

59. Emphasizes the need to mainstream coral reef management approaches into national development strategies, as well as into the activities of relevant United Nations agencies and programmes, international financial institutions and the donor community;

60. Welcomes the convening by the International Maritime Organization of a diplomatic conference to adopt an international convention for the control and management of ships’ ballast waters and sediments;

61. Notes with interest the ongoing discussions in the Marine Environment Protection Committee of the International Maritime Organization on the designation of the Western European Atlantic coast and the English Channel as a particularly sensitive sea area, and encourages the organization to consider the eventual adoption of the proposed associated protective measure as long as it is consistent with the Convention;

XI Regional cooperation

62. Emphasizes once again 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 those different structures, where appropriate, to work together for optimal cooperation and coordination;

63. Notes that there have been a number of initiatives at the regional level, in various regions, to further the implementation of the Convention, and in this context notes the results of the Second Plenary Meeting of the Conference on Maritime Delimitation in the Caribbean, held in Mexico City on 13 and 14 October 2003, as well as of the functioning of its Caribbean-focused Assistance Fund, which is intended to facilitate, mainly through technical assistance, the voluntary undertaking of maritime delimitation negotiations between Caribbean States, takes note once again 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 calls upon States and others in a position to do so to contribute to these Funds;

XII Regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects

64. Welcomes the report of the Secretary-General containing proposals on modalities for the establishment of a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, and requests the Secretary-General, in close collaboration with Member States, relevant organizations and agencies and programmes of the United Nations system, other competent intergovernmental organizations and relevant non-governmental organizations, to take the following steps to establish the regular process by 2004:

(a) Convene a group of experts of no more than twenty-four participants, comprising representatives of States, including all regional groups, and representatives from intergovernmental organizations and non-governmental organizations, including scientists and policy makers, to produce, including by possibly hiring a consultant, a draft document with details on the scope, general framework and outline of the regular process, peer review, secretariat, capacity-building and funding, and to consider, review and refine the draft document;

(b) Transmit the draft document to States and relevant intergovernmental organizations, non-governmental organizations, scientific associations, funding mechanisms and other parties for written comments and for indication of specific issues to be addressed in the first assessment;

(c) Request the group of experts to revise the draft document in the light of comments made;

(d) Convene an international workshop with representatives from all interested parties, in conjunction with the fifth meeting of the Consultative process, to further consider and review the draft document;

(e) Convene an intergovernmental meeting to finalize and adopt the document and to formally establish the regular process;

65. Accepts the offer of the Government of Iceland to host this intergovernmental meeting in Reykjavik in 2004, in accordance with paragraph 17 of resolution 47/202 A of 22 December 1992;

66. Requests the Secretary-General to report to the General Assembly at its fifty-ninth session on the development of the regular process.
XIII
Open-ended informal consultative process on oceans and the law of the sea

67. Requests the Secretary-General to convene the fifth meeting of the Consultative Process in New York from 7 to 11 June 2004, 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;

68. 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:

New sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction;
as well as issues discussed at previous meetings;

XIV
Inter-agency coordination and cooperation

69. Reiterates its request to the Secretary-General to establish an effective, transparent and regular inter-agency coordinating mechanism for issues relating to oceans and seas within the United Nations system, taking into account paragraph 49 of Part A of the report of the Consultative Process at its third meeting;

70. 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 and of their participation in relevant meetings and processes;

71. 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

72. 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 of 28 November 2001;

73. 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;

74. 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

75. Recognizes the importance of assisting developing countries, in particular the least developed countries and small island developing States, in implementing the Convention, and urges 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 the trust funds, as referred to in resolution 57/11, established for this purpose;

76. Also recognizes the importance of the Trust Fund for preparation of submissions to the Commission in assisting developing States, in particular the least developed countries and small island developing States, in preparing their submissions where their continental shelves extend beyond 200 nautical miles and, in order to facilitate the management of the Trust Fund, amends, as set out in the annex to the present resolution, sections 1, 4 and 6 of the terms of reference, guidelines and rules of the Trust Fund, as contained in annex II to resolution 55/7 of 30 October 2000, in accordance with paragraph 31 of the annex;

77. Urges 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;

XVII
Fifty-ninth session of the General Assembly

78. Requests the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution, including other developments and issues relating to ocean affairs 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;

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

Annex

Amendments to the terms of reference, guidelines and rules of the Trust Fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea

1. Reasons for establishing the Trust Fund

In paragraph 2, amend the last sentence to read:
“The earliest deadline for submission for States is 15 May 2009.”

4. Application for financial assistance
In paragraph 17, amend sub-item (iv) (iv) to read:
“(iv) The curriculum vitae of the trainees, including their date of birth;”

6. Granting of assistance
Amend paragraph 23 to read:
“23. The Secretary-General will provide financial assistance from the Fund for requests approved on the basis of the evaluation and recommendation of the Division on the advice of the Panel of Experts. Payments will be processed by the Organization in accordance with standard practices.”

RECORDED VOTE ON RESOLUTION 58/240:

In favour: Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Central African Republic, Chile, China, Comoros, Congo, Costa Rica, Côte d’Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Trinidad and Tobago, Tunisia, Tuvalu, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Turkey.

Abstaining: Colombia, Venezuela.

**Division for Ocean Affairs and the Law of the Sea**

During 2003, the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs continued to fulfill its role as the substantive unit of the UN Secretariat responsible for reviewing and monitoring all developments related to the law of the sea and ocean affairs, as well as for the implementation of UNCLOS and related General Assembly resolutions.

Under its TRAIN-SEA-COAST programme [YUN 2003, p. 1292], designed to build in-country capacity to improve skills in integrated coastal and ocean management, the Division conducted three training courses on responsible fisheries in the Pacific islands (June), and on ships’ ballast water management (Brazil, 12-16 June).

In December, the eighteenth Hamilton Shirley Amerasinghe Fellowship on the Law of the Sea, established in 1981 [YUN 1981, pp. 130 & 131], was awarded to Fernanda Millicay of Argentina.

**Evaluation of programme on law of the sea and ocean affairs**

By an April note [E/AC.5/2003/3], the Secretary-General transmitted to the Committee for Programme and Coordination (CPC) the report of the Office of Internal Oversight Services (OIOS) on its in-depth evaluation of the work of the programme on the law of the sea and ocean affairs, implemented since 1992 by the Division for Ocean Affairs and the Law of the Sea (see above), with a focus on the period 1998-2002. OIOS recommended that consultations among secretariats of the treaty system of institutions be held periodically and that the new inter-agency coordinating mechanism on oceans and coastal areas called for by General Assembly resolution 57/141 [YUN 2002, p. 132] be task-oriented and involve all relevant UN agencies and programmes. It recommended that the Division promote universal acceptance of UNCLOS and its two related Agreements, participate actively in regional seas meetings and action plans, further analyse and synthesize information on new developments in ocean affairs, assess the needs of the readership of its publications to increase their usefulness, and maintain its capacity to fulfill its different responsibilities, taking account of existing specialized expertise throughout the UN system. The Secretary-General took note of the findings of OIOS and concurred with its recommendations. CPC [A/58/16], in approving the recommendations, stated that the annual report on oceans and the law of the sea should neither include assessments of the overall impact of the efforts of the competent organizations nor suggest future activities; rather it should focus on issues pertinent to oceans and seas in a systematic and integrated way.