



Statement

by

**Ambassador Hjálmar W. Hannesson
Permanent Representative of Iceland to the United Nations**

59th Session of the General Assembly

**Agenda item 49 (a) and (b)
Oceans and the Law of the Sea**

16 November 2004

At the outset I would like to commend the Secretariat, in particular the able staff of the Division for Ocean Affairs and the Law of the Sea, headed by its new Director, Mr. Vladimir V. Golitsyn, for their comprehensive report on oceans and the law of the sea and their report on sustainable fisheries. Let me also acknowledge the professional manner in which the coordinators, Mr. Marcos L. de Almeida of Brazil, Ms. Jennifer McIver of New Zealand and Ms. Holly R. Koehler of the United States, conducted the informal consultations on the omnibus and fisheries resolutions. The consultations turned out to be particularly challenging this year and we wish to thank all the participants for their constructive contribution.

* * *

It is highly appropriate today, on the 10th anniversary of its entry into force, to recall the United Nations Convention on the Law of the Sea. The Convention, which is without doubt one of the biggest achievements in the history of the United Nations, is the first and only comprehensive treaty in the field of the law of the sea. It contains both codified rules of customary law and a number of innovations, covering all uses, not only of oceans and seas, but also their superjacent air space and subjacent seabed and subsoil.

The Law of the Sea Convention thus provides the legal framework for all our deliberations on the oceans and the law of the sea. We welcome the ratification of the Convention today by our neighbouring country, Denmark, and urge those States that still have not ratified the Convention to do so in order to achieve the ultimate goal of universal participation. It is imperative that the Convention be fully implemented and its integrity preserved. Issues that were settled at the Law of the Sea Conference should not be reopened. In this respect it needs to be borne in mind that the conclusions of the Conference were regarded as a package, individual States prevailing in some areas but having to compromise on others.

On this occasion, we note with satisfaction that the three institutions established under the Convention are functioning well. The International Tribunal for the Law of the Sea has already adjudicated a number of disputes in this field. The International Seabed Authority is actively preparing for future exploitation of mineral resources in the international seabed area. The Commission on the Limits of the Continental Shelf has begun its consideration of the first submissions regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, and a number of coastal States, including Iceland, have advised of their intention to make submissions within the next years. It must be ensured that the Commission will be able to fulfil the functions entrusted to it under the Convention, taking into account, in particular, the expectation that new submissions will require parallel meetings of several subcommissions for their examination.

As recognized in the draft omnibus resolution, it is important that States exchange views in order to increase understanding of issues arising from the application of article 76 of the Convention, thus facilitating preparation of submissions by States to the Commission, in particular developing States. For this purpose, the Law of the Sea Institute of Iceland and the Center for Oceans Law and Policy of the University of Virginia School of Law last year co-hosted a Conference

on Legal and Scientific Aspects of Continental Shelf Limits in Reykjavik. The proceedings of the Conference have now been published in a book and the Law of the Sea Institute of Iceland is in the process of distributing a copy to all developing States.

In this context, it also gives me pleasure to inform the General Assembly of the decision by the Government of Iceland to make a contribution of \$ 100,000 to the Trust Fund for the purpose of facilitating the preparation of submissions to the Commission for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention. Furthermore, my Government has decided to make a contribution of \$ 50,000 to the Trust Fund to assist members of the Commission from developing States to participate in its meetings.

* * *

The Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks is of paramount importance, as it strengthens considerably the framework for conservation and management of those stocks by regional fisheries management organizations. The provisions of the Agreement in many ways strengthen the relevant provisions of the Law of the Sea Convention and some of the provisions represent development of international law in this area. However, the effectiveness of the Agreement depends on its wide ratification and implementation and we encourage those States that have not ratified the Agreement to do so.

Following the initiative in the first two rounds of informal consultations of States Parties to the Agreement, the General Assembly decided last year, in its resolution 58/14, to establish an Assistance Fund under Part VII of the Agreement to assist developing States Parties in the implementation of the Agreement. The United Nations and the Food and Agriculture Organization of the United Nations now have concluded an arrangement regarding the administration of the Assistance Fund. I am happy to inform the Assembly of the decision by my Government to make a contribution of \$ 50,000 to the Assistance Fund.

* * *

The world community does not lack the tools to ensure the conservation and sustainable utilization of living marine resources. In addition to the Law of the Sea Convention and the Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, Chapter 17 of Agenda 21, the FAO Code of Conduct for Responsible Fisheries and the Convention on Biological Diversity all exemplify such tools, providing countries of the world with the means to develop their fisheries management systems in a sustainable manner. While global instruments are often called for, we should bear in mind that the responsible management of living marine resources is best carried out at the local and regional level, in partnership with those who are closest to and depend on the resources for their livelihood.

It is the view of the Government of Iceland that the General Assembly should focus on specific issues that have global implications, and not on issues that fall within the purview of the sovereign rights of States or the responsibility of regional fisheries management organizations. The General Assembly should address issues

that are global in nature and can only be solved through global cooperation. We should thus address marine pollution which respects no boundaries and must therefore be met with global action. We should also address needs to set a level playing field for the fisheries sector that encourages sustainable fisheries globally, such as the need to remove fisheries subsidies. Further examples can be identified. Conservation and sustainable utilization of living marine resources is, on the other hand, a local and regional matter. We can, therefore, not accept opening the door for global micro-management of fisheries, which are subject to the sovereign rights of States or under the responsibility of regional fisheries management organizations.

In this light we are satisfied with the outcome of the informal consultations on the omnibus and fisheries resolutions with respect to destructive practices that have adverse impacts on marine biodiversity and ecosystems. The relevant paragraphs in the two draft resolutions recognize that it is for the relevant States or regional fisheries management organizations, as appropriate, to regulate these destructive practices and take decisions on any interim and long-term management measures. Iceland was among those States which insisted that these paragraphs should apply, in principle, both in areas within and beyond national jurisdiction. The rationale for this position is, of course, that vulnerable marine ecosystems located in the exclusive economic zone require not less protection from destructive practices than those located on the high seas.

Iceland, as many other coastal States, has been applying area restrictions and closures as one of its fisheries management tools for many years. Within our national jurisdiction there are several areas that have various levels of protection, many of which offer complete protection for vulnerable habitats on the seabed. The area closures are the subject of continuous review. Presently, Icelandic authorities are undertaking a review with the specific purpose of reassessing the protection currently given to vulnerable habitats, including deep-water corals, and the possible need for increased protection. This review and other work undertaken in this field are based on a new report by a government committee on Iceland's policy on ocean affairs. The policy aims at maintaining the future health, biodiversity and sustainability of the ocean surrounding Iceland in order for it to continue to sustain and promote the nation's welfare.

On a regional level, Iceland only last week took part in establishing an interim measure for the protection of vulnerable deep-water habitats in the high seas of the North Atlantic Ocean. The North East Atlantic Fisheries Commission, NEAFC, agreed on an interim prohibition of bottom-trawling and fishing with static gear on a number of seamounts and a section of the Reykjanes Ridge for a three-year period. During this interim period, NEAFC will assess its work on this issue, seek further scientific advice and assess possible enforcement issues that may arise, with the aim of having appropriate conservation and management measures in place by 2008. NEAFC has shown its commitment to take the necessary action to protect vulnerable habitats and it is important that such work be performed on case-by-case and scientific bases as recognized in the draft fisheries resolution.

* * *

Iceland welcomes that increased attention is being devoted to ocean issues in the world. I would like to share with you some of the more recent developments in this respect within the Arctic Council, currently chaired by Iceland.

Last week, the Arctic Council, in cooperation with the International Arctic Science Committee (IASC), launched the Arctic Climate Impact Assessment (ACIA). The scientific message from this comprehensive assessment is that the climate is now changing faster across the Arctic than anywhere else in the world. Those changes are impacting the environment and people in the Arctic region and have implications for the world at large. More than half of the Arctic region is ocean and the ACIA pays special attention to coastal and marine issues.

The assessment projects that the warming climate will bring about ecosystem shifts in the ocean. As a result, increased productivity is likely to occur among some species of fish, including herring and cod. At the same time, cold-water fish species and mammals are expected to move northward or they may even be forced into decline.

Furthermore, the thinning sea ice allows stronger wave generation by winds causing increased coastal erosion along Arctic shores. Those effects are already apparent and much larger changes are projected to occur during this century.

The projected decline in Arctic sea ice will widely increase access to natural resources in the Arctic waters, including oil, gas and fish stocks. We can expect that increased offshore developments in the Arctic in years to come will raise questions of national sovereignty over resources and add to the need for new and better adapted environmental protection regulations.

In the context of increased developmental and climatic pressures on the Arctic marine environment, I would like to draw particular attention to the Arctic Council's Marine Strategic Plan for the protection of the Arctic marine environment, to be submitted to the 4th Arctic Council Ministerial meeting next week. The strategy is based on an integrated ecosystem-based approach to sustainable ocean management. In launching the strategy, the Arctic Council is contributing in a significant way to the follow-up of the Johannesburg Plan of Implementation.

The Arctic Marine Strategic Plan sets out the vision and goals as well as a number of strategic activities to help address sustainable development of the Arctic marine environment. Such a strategy should offer numerous opportunities. It will help us confront existing conditions, including pollution, and will provide a means to address new and emerging challenges. One example is the possible opening of new Arctic sea routes, due to melting sea ice.

* * *

The decision by the General Assembly, in its resolution 57/141, to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, acknowledges that international action is needed to prevent and counter marine pollution and physical degradation of the marine environment. For us to succeed in this task,

accessible and authoritative information and advice is needed, particularly regarding the socio-economic consequences of the degradation of the marine environment. The regular assessment process should provide the basis for responsible decision-making to improve the situation.

During the international workshop on the regular process held in conjunction with the 5th meeting of the informal consultative process on ocean issues and the law of the sea, it emerged that more time is needed to define the basic objectives and scope of the regular process. The Government of Iceland is prepared to continue working with other interested countries in order to fulfil the mandate of resolution 57/141 and launch, in due time, a regular process that is both focused and prioritized.