President: Mr. D’Escoto Brockmann ......................... (Nicaragua)

In the absence of the President, Mr. Siles Alvarado (Bolivia), Vice-President, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 70

Oceans and the law of the sea

(a) Oceans and the law of the sea

Report of the Secretary-General (A/63/128)

Draft resolution (A/63/L.43)

The Acting President (spoke in Spanish): I give the floor to the representative of Brazil to introduce draft resolution A/63/L.42.

Mrs. Viotti (Brazil): I am pleased to introduce, on behalf of the sponsors, draft resolution A/63/L.42, entitled “Oceans and the law of the Sea”. Once again, Brazil was honoured to be charged with coordinating the informal consultations on this omnibus text, which resulted from the intense and constructive efforts of many delegations. I take this opportunity to thank them for their active participation and cooperation. I also express my appreciation to Mr. Václav Mikulka, Director of the Division for Ocean Affairs and the Law of the Sea, and his staff for their dedication and support for our work.

The length and density of the draft resolution before the General Assembly reflect the growing complexity and importance of issues related to oceans and law of the sea. In addressing new challenges, efforts should not be spared to preserve the rule of international law, in particular the integrity of the United Nations Convention on the Law of the Sea (UNCLOS). It is worth recalling that UNCLOS, in its preamble, asserts that the problems of ocean space are closely interrelated and need to be considered as a whole. Bearing that in mind, I wish to highlight some of the main issues addressed in the draft resolution.
This year’s draft resolution reflects some of the recommendations on capacity-building agreed upon at the ninth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. It recalls that capacity-building is essential in addressing maritime security and safety needs and the protection of the marine environment of developing States. Additional funding for capacity-building programmes, including for transfer of technology, is required. The Criteria and Guidelines on the Transfer of Marine Technology, adopted by the Assembly of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, are worth noting in that context.

An issue of the utmost importance to all parties to the Convention and to the international community as a whole is the preparation of submissions to the Commission on the Limits of the Continental Shelf regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles. The draft resolution underscores the need to assist developing States, and especially the least developed countries and small island developing States, as well as coastal African States in the preparation of such submissions to the Commission.

The need to further strengthen the capacity of the Division for Ocean Affairs and the Law of the Sea is stressed in order to adequately increase the Division’s support and assistance to the Commission and its subcommissions in their consideration of a growing number of submissions. International cooperation is also crucial in combating, in accordance with international law, threats to maritime security, including piracy, armed robbery at sea and terrorist acts against shipping, offshore installations and other maritime interests. The text recognizes the need for sustained capacity-building to support efforts to counter such unlawful acts. The role of the International Maritime Organization is particularly important in that regard.

Freedom of navigation is critical to economic, national and international security. The integrity of the regime of transit passage, codified under the Convention, is vital to the maintenance of that fundamental and inalienable right. The draft resolution before us calls upon States to ensure freedom of navigation, the safety of navigation and the rights of transit passage, archipelagic sea lane passage and innocent passage in accordance with international law, in particular the Convention.

In that context, it is important to underscore the responsibilities of States bordering straits used for international navigation, as set out in Article 42 of the Convention. Encroachments on the regime of transit passage are a matter of concern for the whole international community and require a firm stance on the part of all of us.

Cessation of the transport of radioactive materials through the regions of small island developing States is an ultimate desired goal of small island developing States and a number of other countries. The draft resolution, while recognizing the right of freedom of navigation in accordance with international law, notes that States should maintain dialogue and consultation, in particular under the aegis of the International Atomic Energy Agency and the International Maritime Organization, with the aim of improved mutual understanding, confidence-building and enhanced communication in relation to the safe maritime transport of radioactive materials. The importance of effective liability regimes in that regard is duly emphasized.

The protection, conservation and preservation of the marine environment and its living marine resources against pollution and physical degradation are also the subjects of the draft resolution. Ocean acidification, in particular, requires States and competent international organizations to urgently pursue further research, especially programmes of observation and measurement. The projected negative impact of such acidity on vulnerable marine ecosystems, particularly coral reefs, should be assessed.

Enhanced scientific activity is also required to better understand the effects of climate change on the marine environment and marine biodiversity and to develop ways and means of adaptation. States should, as a matter of priority, implement the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and take all appropriate measures to fulfil the commitments of the international community embodied in the Beijing Declaration on Furthering the Implementation of the Global Programme of Action.

The draft resolution accounts for the ongoing debate on the issue of the iron fertilization of the oceans. There is considerable uncertainty and
disagreement as to whether we should move ahead with ocean iron fertilization on a large scale and about the legal and political framework under which that might take place. In that respect, the thirtieth Consultative Meeting of Contracting Parties to the 1972 London Convention recommended that, given the present state of knowledge, ocean fertilization activities, other than for legitimate scientific research, should not be allowed.

With regard to the same matter, the Conference of the Parties to the Convention on Biological Diversity requested parties and urged other Governments, in accordance with the precautionary approach, to ensure that ocean fertilization activities are not carried out until there is an adequate scientific basis on which to justify such activities, with the exception of small-scale scientific research studies within coastal waters, and that such studies should not be used for generating and selling carbon offsets or for any other commercial purposes.

Pursuant to the objective of the World Summit on Sustainable Development to develop and facilitate representative networks of marine protected areas by 2012, the draft resolution notes that the Conference of the Parties to the Convention on Biological Diversity at its ninth session adopted scientific criteria for identifying ecologically or biologically significant marine areas in need of protection in open-ocean waters and deep-sea habitats and the scientific guidance for selecting areas to establish representative networks of marine protected areas, including in open-ocean waters and deep-sea habitats.

The work of the Ad Hoc Steering Group for the “assessment of assessments” of the marine environment is nearing completion, and guidance is needed on how to follow up on its conclusions. It was thus proposed that an ad hoc working group of the whole be established to recommend a course of action to the General Assembly at its sixty-fourth session based on the outcomes of the fourth meeting of the Ad Hoc Steering Group. The Secretary-General is requested to convene its informal meeting for one week not later than September 2009.

The draft resolution also proposes that the Open-ended Informal Consultative Process on Oceans and the Law of the Sea be continued for the next two years. During the consultations, it was recalled that the General Assembly established the Process in 1999 at the recommendation of the Commission on Sustainable Development, consistent with the legal framework provided by the United Nations Convention on the Law of the Sea and the goals of chapter 17 of Agenda 21 on the protection of the oceans, all kinds of seas and coastal areas and the protection, rational use and development of their living resources. With a view to reinstating the original intent of the mandate and streamlining it accordingly, the draft resolution proposes that the next meeting of the Process focus its discussions on the implementation of the outcomes of the Consultative Process, including a review of its achievements and shortcomings in its first nine meetings. It is our hope that the General Assembly will adopt the draft resolution by consensus.

Finally, let me recall that, as the Convention states in its preamble, the attainment of a legal order for the seas and oceans facilitates international communication and promotes the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources and the study, protection and preservation of the marine environment and contributes to the realization of a just and equitable international economic order that takes into account the interests and needs of mankind as a whole and, in particular, the special interests and needs of developing countries, whether coastal or landlocked. We need to continue to uphold and promote those lofty ideals.

The Acting President (spoke in Spanish): I now give the floor to the representative of the United States of America to introduce draft resolution A/63/L.43.

Mr. Gioia (United States of America): My delegation has the honour to be a sponsor of draft resolution A/63/L.42, entitled “Oceans and the law of the sea”. We also have the honour to introduce, on behalf of the sponsors, draft resolution A/63/L.43, entitled “Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments”.

Let me begin by expressing appreciation for the spirit of cooperation exhibited by delegations involved in crafting both draft resolutions this year. It is our hope that that spirit of cooperation will also
characterize our efforts to address the numerous and complex issues that lie ahead in the new year.

The United States is pleased that we were able to incorporate many of the ideas generated during the 2008 Informal Consultative Process on maritime safety and security into this year’s oceans draft resolution. The Informal Consultative Process is a very useful forum for informing policy makers about cutting-edge oceans issues, including those related to the sustainable development of the oceans and their resources. Following next year’s review of the Process and agreement on improvements to it, we look forward to addressing critical oceans-related issues in 2010 and beyond.

As we have noted in the past, the United States places great importance on ensuring the freedom and safety of navigation, rights of transit passage, archipelagic sea lanes passage and innocent passage, in accordance with international law, as reflected in the Law of the Sea Convention. We appreciate the strenuous efforts made again this year to reach consensus on a paragraph reaffirming the rights and responsibilities of States bordering straits used for international navigation, and regret that consensus was not reached. We will continue to work in appropriate forums, as well as bilaterally, to ensure that the balance of interests reflected in part III, section 2 of the Convention is not disturbed by unilateral laws or regulations that have the practical effect of denying, hampering or impairing the right of transit passage.

This year’s draft resolution on sustainable fisheries contains important provisions to address such critical issues as the control of illegal, unregulated and unreported (IUU) fishing; the reduction of fishing capacity; the implementation of the United Nations Fish Stocks Agreement; the regulation of destructive fishing practices and the protection of vulnerable maritime ecosystems; the impacts of global climate change on the sustainability of fish stocks and their habitats and other important matters. Perhaps the most notable aspects of this year’s draft resolution are the provisions for the urgent adoption of effective conservation and management measures for certain fish stocks in accordance with the best scientific information, the application of precautionary reference points to maintain or restore stocks to sustainable levels and the study of possible connections between international organized crime and illegal fishing in certain parts of the world.

The draft resolution also establishes other steps for the international community, including the resumption of informal consultations of the States parties to the United Nations Fish Stocks Agreement in 2009 and the Review Conference in 2010. The United States re-affirms its view of the significance of the Agreement and welcomes five recent accessions to the Agreement in 2008, which we see as a positive sign in the endeavour to achieve sustainable fisheries. We strongly urge all States that have not yet become parties to the Agreement to consider doing so and to act fully in accordance with its provisions.

We also believe that the Agreement must continue to be the foundation for negotiations to establish new regional agreements, including agreements for the management of discrete high-seas stocks, such as the negotiations currently under way in the South Pacific and the North-West Pacific. The Agreement’s basic principles should also be applied to discrete high-seas stocks by all flag States, including in areas where no competent regional fisheries management organization currently exists to manage such fisheries.

Reducing the excess capacity of the world’s fishing fleets continues to be a high priority for the United States. We are therefore pleased that this year’s draft resolution again urges States to commit to urgently reducing the capacity of the world’s fishing fleets to levels commensurate with the sustainability of fish stocks. We will continue to push for the full implementation of that commitment, as we have for similar provisions in past resolutions.

With regard to IUU fishing, the draft resolution recognizes continuing efforts over the past year to address the problem, including with regard to preventing IUU fish from entering international trade, but further progress continues to be necessary in that area. The resumption of negotiations in 2009 on a legally binding port-State regime provides a valuable opportunity to develop stronger controls. In that exercise, which is taking place under the auspices of the United Nations Food and Agriculture Organization, we want to see port States take stronger measures to prevent the landing and trans-shipment in their ports of fish caught in contravention of existing regulatory regimes.

We continue to see that the annual sustainable fisheries resolution remains a relevant instrument through which the international community can
highlight issues of concern and articulate ways to address such issues. However, much work remains to be done if we are to ensure the sustainability of global fish stocks. The various regional fisheries management organizations, as the bodies with direct regulatory responsibility for the management of the fisheries under their purview, must carry out that work and, in so doing, implement the guidance provided to the international community through the resolutions of the General Assembly. We urge all regional fisheries management organizations to take timely and concrete actions to realize the calls from this body to ensure the effective conservation and management of target stocks, to minimize by-catch of non-target species and to mitigate the adverse impacts of fishing activities on the broader marine environment.

The United States was once again proud that Holly Koehler of the United States Department of State coordinated the informal consultations on the fisheries draft resolution. On behalf of Ms. Koehler, we would like to thank all representatives for their hard work and cooperation in resolving many difficult issues and in making the draft resolution a success.

Mr. Renié (France) (*spoke in French*): I have the honour to speak on behalf of the European Union and the European Community as party to the United Nations Convention on the Law of the Sea. The candidate countries Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Montenegro and Serbia, as well as Ukraine, the Republic of Moldova and Armenia, align themselves with this statement.

Once again this year, the European Union has demonstrated its commitment to the United Nations Convention on the Law of the Sea and to the 1995 Agreement on Straddling Fish Stocks by actively participating in the discussions that led to the draft resolution before the General Assembly today.

The European Union believes that the Convention is a factor for stability, peace and progress and that it holds special importance in a difficult international context. Each time the opportunity presents itself, therefore, it should be reaffirmed that the Convention is indeed the legal framework for maritime activities and that its integrity must not be altered. The European Union calls upon all States to accede to the Convention and to the Agreement on the Implementation of Part XI of the Convention.

The European Union reiterates the importance it attaches to the freedom of navigation principle, the right of innocent passage and the right of transit passage in compliance with the relevant provisions of the United Nations Convention on the Law of the Sea. In this regard, the European Union is well aware of the right of coastal States to take legislative or regulatory measures for transit passage through straits used for international navigation, when this is done in accordance with the United Nations Convention on the Law of the Sea, when this does not discriminate in form or in fact among foreign ships and when the application of these laws does not have the effect of denying, hampering or impairing the right of transit passage, such as is set forth in the Convention and in any relevant provisions of international law.

The European Union would like to share with the Assembly its deep concern about piracy, which is detrimental to the safety of persons and property, whether it be vessels attacked and sometimes hijacked, or prisoners held for ransom. In view of the resurgence of such acts, the international community has committed itself to combating this scourge through the competent United Nations bodies. We welcome that the Assembly has also recognized, through its draft resolution, the scale of the challenge and the scale of the efforts required to combat piracy.

Other major challenges remain, such as the declining quality of the marine environment and the destruction of natural marine resources. Marine biodiversity is being threatened and time is running out if we are to meet the deadlines set in the 2002 Johannesburg Plan of Implementation.

The European Union has repeatedly and in various forums expressed its concerns over the loss of marine biodiversity and supported the initiative taken by the General Assembly to create an Ad Hoc Open-ended Informal Working Group on the matter. In line with this support, the European Union is satisfied that this Working Group will reconvene in the future and that its mandate has been confirmed. We welcome the fact that the Group is in a position to make recommendations to the Assembly, with a view to forging ahead on this sensitive issue of the conservation and use of biological diversity beyond areas of national jurisdiction.
The draft resolution notes the concerns raised by the issue of climate change and its effects on the oceans, seas and natural resources. To respond to the debates within the international community, the draft resolution equally takes into account the various issues relating to that phenomenon, such as eutrophication, acidification, fertilization, the discharge of carbon dioxide into the atmosphere and greenhouse gases. The international community for the law of the sea must take an active role in the movement to prevent and combat climate change.

At a time when the international scientific community must inspire the work of States and international organizations, the European Union recognizes the relevance of what is commonly called a “regular process for global reporting and assessment of the state of the marine environment, including socioeconomic aspects”, and welcomes the concept of an Ad Hoc Working Group meeting in 2009 to examine the possible ways in which the General Assembly may have to respond to the recommendations of this process.

A few years ago, the General Assembly created a useful and efficient tool to prepare for its debates on oceans and the law of the sea, known as the Open-ended Informal Consultative Process on Oceans and the Law of the Sea. This year, the Process had to deal with a very topical issue, namely, maritime safety and security, which led to proposed recommendations from the co-chairs, who played a prominent role in drawing up the draft resolution.

The European Union expresses its satisfaction with the very principle of the Process and views the manner in which it was implemented in a largely positive light. The European Union welcomes the two-year extension of the mandate of the Process and will contribute to evaluating the Process and its results during the next session to be devoted to this issue.

The European Union is mindful of the work of the Commission on the Limits of the Continental Shelf and on the conditions in which it is run, and duly welcomes the decisions of the 18th Meeting of States Parties to this issue, particularly the decision on adjusting the deadline for claims for an extended continental shelf.

The draft resolution on sustainable fisheries shows considerable improvements, which the European Union welcomes. The fight against illegal, unreported and unregulated (IUU) fishing is one of the European Union’s priorities, and we are determined that actions be undertaken at all relevant levels.

Accordingly, taking stock of the commercial scale of this scourge should give rise to the establishment of protective measures while bearing in mind the need to prohibit the sale of illegally fished products on the open market. A possible link between IUU fishing and organized crime is underscored in the draft resolution and States are encouraged to conduct and publish studies on this topic.

The European Union urges every State to shoulder its responsibilities and participate in a cooperative and international framework to combat illegal fishing. Reminding port States of their responsibility also contributes to this objective. As was demonstrated in some regions around the world, port measures are indeed particularly effective.

The responsibility of flag States must also be strongly emphasized, as it has been with regard to regulating deep-sea fishing. For this purpose, the guidelines established by the Food and Agriculture Organization of the United Nations (FAO) are recalled in the draft resolution. Control and surveillance measures must be continuously adapted, and the draft resolution highlights in particular the need to regulate trans-shipments at sea, as this activity can hide illegal fishing practices and the laundering of certain catches.

Regional fishery organizations play a vital role in ensuring sustainable fishery management. The draft resolution underlines the need to improve the efficiency of the regional tuna fishery organizations and the value of publishing performance reviews. Some regional fishing organizations have already implemented those recommendations, others are in the processes of doing so, and still others have yet to take the decision to do so.

The European Union would like the draft resolution to inspire new initiatives. The issue of discards, which is a sensitive one in the light of the current food crisis, should be closely studied at the FAO level and by regional fishery organizations, which should take the ecosystemic side of activities into account and pay special attention to the management of by-catch.

The European Union would like to see maximum cooperation on a global scale. In this regard, it
welcomes the forthcoming opening of the informal meeting of the States Parties to the New York Agreement, at which two days will be devoted to increasing participation in this Agreement.

Lastly, the European Union would like to express its gratitude to the Secretariat and to the Division for Ocean Affairs and the Law of the Sea for the work carried out during the year, namely, the preparation of the annual report on oceans and the law of the sea, which is an invaluable compilation of recent developments. We would also like to thank the coordinators of the two draft resolutions for their unrelenting efforts to reach a consensus.

Mrs. Brown (Jamaica): I am honoured to speak on behalf of the members of the Caribbean Community (CARICOM): Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago, Suriname and my own country, Jamaica.

CARICOM expresses appreciation to the Secretary-General for his extensive report, as contained in documents A/63/63 and Add.1, on developments and issues relating to ocean affairs and the law of the sea.

To an increasing extent, the economic livelihood of CARICOM States is linked to the surrounding sea and therefore our interests are driven by every effort, whether regionally or internationally, to enhance its capacities in an efficient and sustainable manner.

We therefore welcome the wide-ranging elements of the Secretary-General’s report, in particular, those relating to maritime security and safety; the conservation and management of marine fishery resources; climate change and the protection and preservation of the marine environment.

We also note the outcome of meetings held earlier this year by the Ad Hoc Open-ended Informal Working Group to study issues relating to the conversion and sustainable use of marine biological diversity beyond areas of national jurisdiction. We have found the deliberations of this year’s meeting to be very productive and we look forward to participating in future sessions of the Working Group. The outcome of the meetings of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea and the Working Group provide a substantial basis for the work to move ahead in areas which are of particular importance to assist States, especially small island developing States.

The International Tribunal for the Law of the Sea continues its impressive work and we commend efforts to further enhance the quality of its work with the establishment of a new Chamber for Maritime Delimitation Disputes, which we fully endorse. CARICOM sees this as another chapter in ensuring the effective execution of the fulfilment of its mandate. At this juncture, it is our desire that Member States consider making declarations under article 287 of the Convention, accepting the jurisdiction of the Tribunal in the settlement of disputes concerning the interpretation and application of the Convention.

CARICOM is also delighted that the Tribunal continues to carry out its series of workshops on the settlement of law of the sea-related disputes in various regions of the world in cooperation with the International Foundation of the Law of the Sea, aimed at providing Government experts working in the maritime field with insight into the procedures for the settlement of disputes. Jamaica was pleased to have hosted one such workshop in April 2007 which was attended by representatives from 19 Caribbean States.

It is our view that these workshops continue to serve as an invaluable source for exchanging views and broadening the knowledge of participants on disputes related to the law of the sea.

CARICOM continues to support the work of the Commission on the Limits of the Continental Shelf. A significant component of its work is the participation of experts from developing countries. The Trust Fund established by General Assembly resolution 55/7 remains a critical source of funding to assist members of the Commission from developing countries to participate in its sessions and, therefore, we use this opportunity to express our appreciation to those States which have contributed to the Fund in the past to continue to do so and we urge other States that are in a position to do so to contribute to this most worthy cause as well.

In keeping with the Commission’s role as set out in paragraph 8 of article 76 of the Convention — to receive by the 2009 deadline information from coastal States seeking to extend their continental shelf jurisdiction beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, we call for the necessary steps to be taken
to ensure the improvement of the Commission’s working methods, commensurate with its increasing workload and the wide array of issues to be considered in the implementation of its work plan, as reflected by the decisions of the seventeenth and eighteenth meetings of States parties.

Maritime commerce continues to expand at a remarkable pace. As noted in the Secretary-General’s report (A/63/63/Add.1), world seaborne trade reached 7.4 billion tons in 2006 while the world merchant fleet expanded to 1.04 billion deadweight tons at the beginning of 2007, representing an 8.6 per cent increase over 2006, of which the largest growth was recorded for container ships. As I have already pointed out, the economies of CARICOM member countries are inextricably linked to the multidimensional aspects of maritime trade, which remains of paramount importance to the growth and development of the entire Caribbean region.

For maritime trade to sustain present levels or to attain even greater heights, it must be conducted in an atmosphere where the safety of navigation is at the heart of promoting growth in maritime commerce. Safe, secure and crime-free routes for navigation and the implementation of international rules and standards for improving maritime safety must underpin the core of a comprehensive programme aimed at protecting maritime trade. We therefore welcome recent developments aimed at improving regulations governing the safety of navigation, survivability of vessels and standards in the maritime industry.

Related to this, and of extreme importance to the Caribbean region, is the danger posed by the transport of radioactive materials through the Caribbean Sea. CARICOM remains deeply concerned by the potential risk to life, health and to our economies in the event of an accident during the transportation of radioactive materials by sea. While we recognize the principles of freedom of navigation and innocent passage, we are acutely aware of the colossal threat posed to the fragile marine ecosystem of the region and we therefore have no option but to continue to urge the States concerned not to use the Caribbean Sea as a transit route for the shipment of nuclear materials. We further urge the International Maritime Organization (IMO) to continue increasing the development of standards for the safety of vessels and advocate for agreement on a workable compensation mechanism for coastal States in the event of an accident.

We have taken note, that issues relating to the transport of radioactive materials were considered by the twelfth International Congress of the International Radiation Protection Association in October this year and that the transport of radioactive materials and liability for nuclear damage were also discussed in that forum. We therefore support dialogue among States and look forward to the development of mutually agreed solutions to ensure full cooperation.

Caribbean States which are significant flag States, port States and crew supply nations fully support the work of the IMO, in particular its variety of committees which address matters relating to safety of life at sea, maritime security, the training and certification of seafarers and the protection of the marine environment. CARICOM also fully supports the significant work of the IMO Regional Maritime Advisor based in Trinidad & Tobago in ensuring that States properly implement their obligations under the various IMO international conventions. As recently elected members of the IMO Council, the Bahamas and Jamaica will certainly seek to further assist in the work of the IMO to enhance navigational safety, accident prevention and environmental protection.

CARICOM notes that the current report by the Secretary-General rightly refers to the nexus between the impact of climate change on marine, coastal, estuarine and freshwater ecosystems and the likely effect on many communities directly or indirectly dependent on marine resources for their livelihoods, in addition to the heightened vulnerability of communities to natural disasters. Several high-level meetings have been held under the auspices of the United Nations to establish a new framework to address climate change, which has been described as the defining issue of our time. We fully support efforts aimed at developing an effective framework for greater coherence and coordination in tackling this problem. Our future depends on it.

The illicit traffic in narcotic drugs and psychotropic substances by sea remains a matter of serious concern to us in the region. As we grapple with its negative impact, the Caribbean, in collaboration with the heads of national drug law enforcement agencies in other regions, has expressed support for the strengthening of law enforcement cooperation at the national and regional levels and has noted with interest the recent adoption by the IMO of the Revised Guidelines for the Prevention and Suppression of the
Smuggling of Drugs, Psychotropic Substances and Precursor Chemicals on ships engaged in International Maritime Traffic.

CARICOM feels strongly that international cooperation in drug interdiction in the Caribbean Sea should also extend to the illicit traffic in small arms and light weapons, which is increasingly threatening the region’s stability. We have, through our efforts, concluded the Caribbean Regional Maritime Agreement in an effort to address this problem. Therefore, we continue to call for assistance to States in the region, to aid in their interdiction efforts, particularly in the acquisition of equipment and vessels. CARICOM expresses appreciation to those countries which have in the past provided assistance in this area.

We applaud the invaluable work of the United Nations Environment Programme (UNEP) with Governments throughout the region in promoting a comprehensive institutional framework for cooperation on issues relating to coasts, oceans and seas. UNEP’s contribution to promoting the protection of the coastal and marine environment is of tremendous importance to regions like the Caribbean, which is heavily dependent on the marine resources of the sea.

From a wider Caribbean perspective, the Caribbean Environment Programme continues to implement the six Global Regional Seas Strategic Directions 2008-2012 through the five-year strategy of the Caribbean Environment Programme. The convening of the twelfth intergovernmental meeting, held in Montego Bay, Jamaica, from 29 November to 2 December 2006, provided the opportunity to evaluate projects and activities implemented during the period 2004 to 2005. We hope that efforts will be made to use the assessment to identify areas for improvement.

CARICOM welcomes the entry into force on 21 November 2008 of the 2001 International Convention on Civil Liability for Bunker Oil Pollution Damage, already an important instrument in the struggle to protect our fragile marine ecosystems from ship pollution, in particular, damage caused by spills of bunker oil. Additionally, the earlier adoption of General Assembly resolution 61/197, entitled “Towards the sustainable development of the Caribbean Sea for present and future generations”, together with the assistance of the international community, should go a long way towards assisting Caribbean States in efforts to ensure the protection of the Caribbean Sea by addressing the illegal release of oil and other contaminants and harmful substances, illegal dumping or the accidental release of hazardous waste, as well as pollution from land-based activities.

Last year we celebrated the twenty-fifth anniversary of the signing of the United Nations Convention on the Law of the Sea. The Convention is unique in many respects as it represents an unparalleled example of cooperation among United Nations Member States. One of the most revolutionary features is contained in Part XI which provides that “The Area and its resources are the common heritage of mankind”. We hold that this provision has now become part of customary international law, a rule to which the vast majority of Member States in this Hall fully subscribe. CARICOM is privileged to host in Kingston, Jamaica, the headquarters of the International Seabed Authority, which has been entrusted with the mandate to administer, organize and control activities in the area on behalf of all States.

We must build on the past 25 years while safeguarding the important role of the Convention as the constitution of our oceans and seas. CARICOM continues to underscore its unwavering commitment to the Authority and its work. We are grateful for and attach enormous importance to the support provided by the United Nations Secretariat in providing conference services during the meetings of the Authority. We continue to urge States members of the Authority to honour their obligations, including attendance at its sessions, particularly given the crucial stages of deliberations, as the Authority seeks to finalize regulations for prospecting and exploration of sulphides and cobalt ferromanganese crusts in the international seabed Area, which will have extremely far reaching implications for generations to come.

At the same time, CARICOM recalls that the voluntary trust fund was set up to provide financial assistance to developing countries wishing to attend meetings of the Authority and to participate in the work of the Legal and Technical Commission. The Endowment Fund for Marine Scientific Research in the Area, geared towards facilitating the attendance of developing countries in marine scientific research was also set up.
CARICOM takes this opportunity to pay tribute to Mr. Satya Nandan of Fiji, the Authority’s first Secretary-General, whose term of office comes to an end on 31 December 2008. Ambassador Nandan’s pioneering role at the helm of the Authority, especially in its formative years, is responsible for its current strong standing in the international community in matters relating to the area of the ocean beyond national jurisdiction. We take this opportunity also to welcome Mr. Nii Allotey Odunton of Ghana as the new Secretary-General of the Authority. We express our best wishes to Mr. Odunton as he assumes his new responsibilities.

On a sad note, we regret the passing in November of Mr. Park Choon-ho of Korea — a judge of the International Tribunal for the Law of the Sea since 1996. Mr. Park participated in the Third United Nations Conference on the Law of the Sea and the Preparatory Commission for the International Seabed Authority. He also participated in the negotiations of the Law of the Sea Convention.

In conclusion, CARICOM is pleased to note that, since the adoption and entry into force of the Convention, 156 States have become party to this landmark instrument. The steady increase in the number of parties to the Convention is indeed encouraging. We strongly urge those States which have not yet ratified it, to do so with a view to ensuring its universal acceptance.

Mr. Beck (Palau): I have the great honour to speak on behalf of the Pacific Islands Forum members represented here at the United Nations: Australia, Fiji, the Federated States of Micronesia, Kiribati, the Republic of the Marshall Islands, Nauru, New Zealand, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu and my own country, Palau.

The members of the Pacific Islands Forum share a strong and unifying interest in the ocean and its resources. We have long recognized the increasing threats to the long-term health of our oceans, and share the common objective of harnessing the value of the marine resources in our region and ensuring as joint custodians their conservation and sustainable use.

In our region there is a very high concentration of vulnerable marine ecosystems, including coral reefs, deep water corals, hydrothermal vents and underwater seamounts. While not all of these are affected by deep water fishing, we are pleased that the paragraphs on bottom fishing in this year’s draft resolution (A/63/L.43) are faithful to the calls of General Assembly resolution 61/105. We are also very pleased at the progress that has been made in giving effect to those calls by the various regional fisheries management organizations (RFMOs) and arrangements as well as by participants in ongoing negotiations to establish RFMOs.

We are particularly pleased that the draft resolution takes note of the interim measures on bottom fishing adopted by the participants in the negotiations to establish a South Pacific RFMO. Next year, the General Assembly will review the implementation of the calls made in resolution 61/105, based on a report to be prepared by the Secretary-General. That will be a very important exercise and we urge all States and RFMOs to ensure that all relevant information is provided to the Secretary-General for that purpose.

The issue of oceans and climate change continues to be a serious and pressing concern for the Pacific Islands Forum. We are increasingly feeling the effects of climate change on the oceans in our region, including on corals and other marine living resources, and through ocean acidification and temperature change, sea level rise and extreme weather. To that end, the Pacific Islands Forum leaders adopted the Niue Declaration on Climate Change in October 2008, which, among other things, recognized the vulnerability of the Pacific Islands region to the impacts of climate change.

Therefore, we encourage Member States to consider more closely the impact of climate change on oceans. There is a need for increased international discussion, in the relevant forums, of the emerging understanding of the impacts of climate change on our fisheries and coastal areas. Compounding the traditional fisheries management challenges, climate impacts in marine and coastal areas threaten the economic future, traditional culture and food security of many Pacific Islands Forum members. Many of the Pacific Islands Forum members have completed, or are developing, important coastal conservation strategies, including for coral protection. Those include the Coral Triangle Initiative and the Micronesia Challenge, representing ambitious regional conservation goals that protect coastal areas from climate impacts, such as erosion pressures, while also building our traditional communities and sustaining our biodiversity. We look
forward to the General Assembly’s increased attention with regard to the impact of climate change on oceans, and especially upon small island developing States, and the need to consider comprehensive coastal conservation as a response strategy.

The Pacific Islands Forum supports a strong international system that ensures the health of our oceans. We welcome the attention of the General Assembly in the area of sustainable fisheries management, including for highly migratory stocks. Such stocks possibly represent the greatest unfulfilled path of sustainable development for many Pacific small island developing States. Yet without an effective international approach for the high seas that is consistent with the relevant convention and agreement and complementary to national measures for exclusive economic zones, our future Pacific generations may lose an important economic pillar. The sustainable management of Pacific tuna stocks, including bigeye and yellowfin tuna, is a matter of great economic and cultural importance for many Pacific Islands Forum States. We express concern over the sustainable management of fish stocks by regional fisheries management organizations and encourage the General Assembly to actively discuss the issue, with a view to a deeper understanding and, as appropriate, consideration of further action in that regard.

We continue to be very concerned about the negative impacts of overfishing and overcapacity on our sustainable fisheries. We note the conclusions of the 2008 study by the World Bank and Food and Agriculture Organization of the United Nations, entitled “The Sunken Billions: The Economic Justification for Fisheries Reform”, including that global fisheries have been running at a loss of $50 billion per year as a result, principally, of depleted fish stocks from massive fleet overcapacity and excessive fishing effort. We support that important report’s finding that reform of the global fisheries could generate additional economic growth and alternative livelihoods.

The small island developing States in the South Pacific realize less than 5 per cent of an estimated $3-billion annual fishing revenue. We encourage nations to work with us on strategies that will help us improve our fisheries markets and related industries. On a global basis, the challenge for coastal developing nations is to be able to achieve meaningful benefits from their own resources.

Moreover, we reiterate our concern that some fish species important to the daily diet of the Pacific Islands peoples continue to be caught and discarded as unsuitable for commercial mass consumption. We welcome the strengthened resolve of the draft resolution (A/63/L.43) to minimize the incidence of by-catch and discards in fisheries.

Also this year, we welcome the reference in the draft resolution to concerns about possible connections between illegal fishing and international organized crime. In our experience, there is evidence to suggest that such a connection does indeed exist, and we encourage States to carry out further work on that issue. We also support the call for an international study by the appropriate international organizations to help us move forward on that serious issue.

Pacific Islands Forum members note that many illegal fishing operations in the Pacific region appear to be increasingly utilizing international markets to launder their ill-gotten gains, leaving traditional enforcement mechanisms struggling to respond to those complex operations.

The Pacific Islands Forum members continue to work closely with other interested participants in negotiations to conclude the South Pacific regional fisheries management organizations. That agreement aims to fill a crucial gap in the management of high-seas non-highly migratory species. There have been two further meetings this year and, while there are still issues to resolve, we hope to conclude the negotiations by the end of next year. In the meantime, we welcome the call for a cautious and responsible approach to the exploitation of fish stocks, pending the implementation of adequate conservation measures in the case of regional fisheries management organizations under negotiation.

Pacific Islands Forum members continue to make progress on submissions to the Commission on the Limits of the Continental Shelf. We are pleased with the changes to the rules of the United Nations Trust Fund that facilitates the preparation of submissions to the Commission, which will make the Trust Fund far more accessible. We welcome the clarification in the States Parties’ decision contained in document SPLOS/183 that States may submit preliminary information to meet the deadline in advance of their full submissions.
However, even with the flexibility that that provides, the road ahead is still not easy. The scientific and technical work required to support a submission is very complex and resource intensive, and presents a significant challenge for most small island developing States. A pragmatic approach is therefore essential to adequately address the practical challenges of making a submission, as is ensuring the necessary level of resources for the Commission and the Division for Ocean Affairs and the Law of the Sea.

Finally, there continue to be challenges, in particular for small island developing States, in promoting the various efforts in the two draft resolutions (A/63/L.42 and A/63/L.43) to further the goals of the United Nations Conference on the Law of the Sea and the 1995 Fish Stocks Agreement. We therefore wish to reaffirm the importance of capacity-building initiatives, and we call on Member States to assist, consistent with the many such references throughout both draft resolutions.

We would also like to take this opportunity to commend Ambassador Nandan for his years of wonderful and effective service to our United Nations community.

Mr. Hoang Chi Trung (Viet Nam): At the outset, the Vietnamese delegation welcomes the opportunity to take part in this debate and wishes to express its appreciation for the comprehensive and informative report of the Secretary-General on the oceans and the law of the sea, as contained in document A/63/63. My delegation also wishes to thank the Office of Legal Affairs, in particular the Division for Ocean Affairs and the Law of the Sea, for their valuable support in the consideration of issues related to the oceans and the law of the sea by Member States throughout the year.

Last year, we celebrated the twenty-fifth anniversary of the adoption of the United Nations Convention on the Law of the Sea. The Convention, an outstanding international codification achievement, provides a comprehensive and sound legal order for the oceans and seas, contributing to the strengthening of peace, security, cooperation and friendly relations among nations in conformity with the principle of justice and equal rights. We said then and we wish to reiterate now that the Convention should be fully implemented with due respect for the delicate balance between rights and obligations of States in the provisions of the Convention. We note with satisfaction that the goal of universal participation in the Convention is nearly achieved.

Viet Nam is committed to the respect, in good faith and through concrete actions, of the provisions of the Convention. We have supported and contributed to the work of all the institutions set up by the Convention, namely the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. We commend these bodies for the progress made in their work during recent years.

At the 18th Meeting of States Parties to the Convention last June, important decisions were made regarding the workload of the Commission on the Limits of the Continental Shelf, the ability of States, particularly developing States, to fulfil the requirements of article 4, annex II of the Convention, as well as the allocation of seats on the Commission and the Tribunal. My delegation calls on all States parties to adhere strictly to these decisions and ensure their timely realization.

My delegation recognizes the contribution of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea to strengthening the annual debate of the General Assembly on oceans and the law of the sea. We support the efforts to continue the Consultative Process, while stressing the need to improve its efficiency and to devote particular attention to the requirements of sustainable development. In this context, my delegation strongly supports the topic introduced by the Group of 77 for the coming sessions of the Process.

Being a developing coastal State bordering a semi-enclosed sea, Viet Nam attaches great importance to the adoption and the implementation of policies that promote legitimate and sustainable uses of maritime space and resources for economic development, as provided by the Convention on the Law of the Sea. In these efforts, it is essential for us to work with countries of the region to reach mutual understanding and agreement on cooperative projects.

An example can be found in the development and implementation of the Declaration on the Conduct of Parties in the South China Sea by the member countries of the Association of Southeast Asian Nations and China. The Vietnamese Government strongly believes that the successful implementation of the Declaration, including through joint projects for marine
scientific research and rescue of people and vessels in distress at sea, will provide a more conducive environment for peace, stability and economic development in the region.

Mr. Yáñez-Barnuevo (Spain), Vice-President, took the Chair.

Viet Nam is one of the 14 States parties to the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, the first regional Government-to-Government agreement to promote and enhance cooperation against piracy and armed robbery in Asia. Cooperative activities required by the Agreement including through an information sharing centre, are now operational and making positive contributions to the improvement of maritime security in the region.

Finally, my delegation commends the serious efforts made by many delegations to achieve a consensus text of the draft resolution on oceans and the law of the sea (A/63/L.42). We sincerely hope the draft resolution will be adopted without a vote this year.

Mr. Wako (Kenya): It is an honour to address this Assembly on the important topic concerning developments relating to implementation of the United Nations Convention on the Law of the Sea, to which Kenya reaffirms its commitment. In this regard, I wish to commend the Secretary-General for his comprehensive report (A/63/63 and Add.1) on oceans and the law of the sea, prepared pursuant to article 319 of the Convention.

At the outset, my delegation congratulates the President of the Assembly and the other members of the bureau on their election to guide our deliberations during the present session, and wishes to assure them of our full support. My statement today shall dwell mainly on one or two topics which are of particular importance to my country.

Kenya, like many other coastal States, is making efforts to delineate its outer continental shelf in accordance with the Law of the Sea Convention. It is committed to meeting its treaty obligations by making a submission on the outer limits of our continental shelf on or before May 2009. However, as Kenya engages in the process of preparing its submission to the Commission, we are faced with a dilemma regarding the proper interpretation and application of some aspects of the Convention, particularly with regard to the application of formulas contained in the Convention.

By way of background, I wish to recall the statement made by the Kenyan delegation during the 18th Meeting of States Parties to the United Nations Convention on the Law of the Sea earlier this year. We stated at the time, the particular dilemma facing Kenya is in respect to interpretation and application of formulas concerning the establishment of the outer limits of the continental shelf.

My delegation’s understanding is that the Convention provides two formulas to be applied in the process of preparing a submission on the outer limits of a coastal State’s continental shelf. The first is contained in article 76 paragraph 4 (a) (i) and (ii) and the second is contained in the Statement of Understanding Concerning the Specific Method to be used in Establishing the Outer Edge of the Continental Margin contained in annex II of the Final Act of the Law of the Sea Conference.

During the third session of the Commission on the Limits of the Continental Shelf, the Commission considered that the application of article 76 to coastal States with special margins would result in an inequitable situation. On this basis, the meeting then elaborated other scientific criteria to be used for purposes of establishing the outer limits of the continental shelf of States that merited such consideration.

Further, the conference of States requested the Commission on the Limits of the Continental Shelf to use the Statement of Understanding when considering submissions from countries within the southern part of the Bay of Bengal. We note with the utmost concern that that request by the conference has been interpreted in such a manner as to exclude any other State that may find itself in a similar geological situation.

Kenya is of the opinion that the only basis — and I wish to emphasize this — the only basis for establishing the outer limits of a continental shelf is proof beyond any scientific doubt that there is actually the natural prolongation of a continental shelf beyond the legal limit of 200 nautical miles. That scientific criterion is very clearly stipulated in the Statement of Understanding.

My delegation recognizes the delicate balance achieved during the prolonged negotiations on the
United Nations Convention on the Law of the Sea. My country fully identifies with the spirit and the aspirations enshrined in the Convention, particularly the desire to establish a legal order for the seas and oceans, which will promote their peaceful uses and the equitable and efficient utilization of their resources. We also recognize that the Convention continues to contribute to the strengthening of peace, security, cooperation and friendly relations, in conformity with the principles of justice and equal rights, while promoting the economic and social advancement of all peoples of the world.

It is for that purpose that my delegation hopes that this matter will be considered at the next meeting of States parties with a view to charting the way forward. In that regard, we are seeking and will continue to seek the individual and collective understanding, support and goodwill of States parties with regard to discussing the matter and providing guidance as to the way forward.

My delegation upholds the mare liberum doctrine as elaborated by Hugo Grotius. To realize that function of the seas, the international community must ensure the free movement of ships, goods and services in order to enhance maritime trade and commerce. To that end, threats to shipping and other forms of restriction that may hamper freedom of navigation of the seas should be addressed.

The issue of piracy, armed robbery and the hijacking of ships off the coast of Somalia is a complex and sensitive one. In my region, it was previously an issue that we only read about in books, but now it has become a real phenomenon that we must grapple with. My delegation reiterates its concern over that serious challenge, which continues to threaten our region, not only in terms of maritime safety and security, but also in terms of scientific research, commerce and the marine environment. My country, as a neighbour of Somalia, is directly affected. Indeed, as Members may be aware, we have already begun prosecuting some of the pirates who have been caught.

Because piracy is a matter of international concern, it is absolutely necessary that the international community coordinate and reinvigorate its efforts to stem that menace, as called for in the draft omnibus resolution (A/63/L.42) to be submitted for adoption by the Assembly. In that connection, there is now an urgent need to enhance the capacity to apprehend and prosecute the pirates and their collaborators and to strengthen the effectiveness of our admiralty courts.

In conclusion, I wish to underscore and express appreciation for the important roles of the Division for Ocean Affairs and the Law of the Sea, the Commission on the Limits of the Continental Shelf, the International Tribunal for the Law of the Sea and the International Seabed Authority in the fulfilment of special functions relating to ocean affairs. The delegation of Kenya pledges its support for their efforts and extends its cooperation to all States parties and stakeholders in order to uphold the res communis nature of the oceans and the integrity of the Convention.

Mr. Shin Boo-nam (Republic of Korea): First of all, my delegation thanks the Secretary-General for his comprehensive report on oceans and the law of the sea (A/63/63 and Add.1). We also commend Ambassador Henrique Valle of Brazil and Ms. Holly Koehler of the United States for their excellent work in coordinating the two draft resolutions before us (A/63/L.42 and L.43).

The international community has widely accepted the United Nations Convention on the Law of the Sea. Given the Convention’s centrality to the governance of the oceans and seas, the Republic of Korea attaches great importance to a coherent, integrated and balanced approach to the sustainable management and conservation of the oceans and their resources, in accordance with the Convention.

The implementing mechanisms of 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 — have all been crucial to its success. The Republic of Korea, for its part, will continue to work most diligently to realize the ideals of the Convention by directly contributing to the work of those organs.

The oceans and seas are invaluable to the welfare of humanity, providing living and non-living marine resources and a vital avenue for transportation. However, the world continues to be plagued by piracy and the degradation of marine resources. Maritime safety and security is a serious concern for many seafaring States. In that regard, the Republic of Korea is pleased to note that many discussions have focused on those issues during the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea last year and this year.
As one of the leading maritime countries, the Republic of Korea believes that the right of passage should be upheld by State practices. The Republic of Korea reaffirms the rights and responsibilities of States bordering straits used for international navigation, on the one hand, and the rights and responsibilities of user States, on the other. We stress that all States parties should cooperate to preserve the integrity of the Convention against any measures that are inconsistent with it.

The Republic of Korea attaches great importance to the conservation and sustainability of marine biodiversity. We hope that future discussion on this issue will be made within the framework of the Law of the Sea Convention and the Convention on Biological Diversity, balancing the protection of marine ecosystems and the sustainable use of marine biodiversity. In this regard, the Republic of Korea will expand its assistance to developing countries in capacity-building activities through bilateral and multilateral cooperative programmes and technical partnerships.

As a responsible fishing State and as a State party to the Convention, the Republic of Korea is seriously concerned by illegal, unreported and unregulated (IUU) fishing, which remains one of the greatest threats to marine ecosystems. Its detrimental effects continue to have a substantial impact on the conservation and management of ocean resources. The Republic of Korea will work together with other States parties to undertake effective measures to prevent, deter and eliminate IUU fishing activities.

The international community has long worked together to ensure the safe transport, sustainable use and responsible management of marine resources. The United Nations has been an invaluable forum for States to engage in constructive dialogue on these important issues. As a responsible maritime State, the Republic of Korea will continue to participate in ensuring sound management of the oceans and seas.

Mrs. Núñez Mordoche (Cuba) (spoke in Spanish): We reaffirm the validity of the United Nations Convention on the Law of the Sea, as well as its universal character and key importance in maintaining and strengthening international peace and security and for the sustainable development of oceans and seas.

My delegation places particular emphasis on the need to strengthen international cooperation among all actors involved in the management of the seas and oceans, including through knowledge sharing and capacity-building, which are of vital importance to developing countries.

Issues relative to the seas and oceans are of particular interest to my country, given its geography. And, despite the serious economic difficulties facing us, Cuba has made and continues to make great efforts to implement national strategies for the sustainable development and protection of the marine environment, with a view to achieving a coherent and effective implementation of the Convention’s provisions.

The Law of the Sea Convention establishes the suitable and universally accepted legal framework within which all activities on the oceans and the seas should be carried out. We would therefore like to draw attention to policies and initiatives that are undermining the Convention, such as the current management of new sustainable uses of the oceans, including the preservation and management of the biological biodiversity in the seabed beyond the areas of national jurisdiction. In this respect, States must abide by the principles established in the Convention, which provides that marine scientific research in such areas should be carried out exclusively for peaceful purposes and for the benefit of the whole of humanity.

Furthermore, we would also like to emphasize the importance of preserving the Convention’s integrity and of implementing its provisions as a whole, including respect for the right of passage, as well as for the obligation of States bordering straits to adopt laws and regulations relating to transit passage through such straits.

Although not a party to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, Cuba willingly complies with its major provisions on conservation and management. The main reason preventing Cuba from becoming a party to the Agreement is its concern about the mechanism permitting visits and on-board inspection of fishing vessels, established under articles 21 and 22 of that instrument.

We do not wish to conclude without first acknowledging the work carried out by the coordinators of the two draft resolutions to be adopted.
on this topic. In view of the growing importance given to the topic of oceans and the law of the sea, it is crucial that the informal meetings in which these important resolutions are negotiated be provided with full conference and translation services. Such measures would contribute positively to the quality of these negotiations.

Mr. Mansour (Tunisia) (spoke in French): It is with great interest that I take part in the General Assembly debate on oceans and the law of the sea and the viability of fish stocks. These two agenda items take up questions that are important, if not vital, for present and future generations.

I should like at the outset to pay tribute to the staff of the Division for Ocean Affairs and the Law of the Sea for the comprehensive and very informative report before us and to commend the efforts of the coordinators in guiding our consultations to a conclusion on the two draft resolutions proposed for adoption. Our consultations this year were not easy due to a lack of agreement on a number of important and sensitive questions. At the centre of the differences of opinion were, among other issues, climate change, maritime security and safety and the future of the Open-ended Informal Consultative Process. This should spur us to make greater efforts to reconcile our immediate national interests with our collective responsibility to preserve the oceans and seas for the common good, since the challenges and stakes in this area have implications for the whole world. In this context, my delegation believes that we stand to benefit from upholding the concept of the common heritage of humanity, a concept which is enshrined in the United Nations Law of the Sea Convention and whose future depends on our ability to balance all the various interests concerned.

The ninth meeting of the Informal Consultative Process, devoted to maritime safety and security, provided the opportunity for a lengthy debate on seafarers at a time when a great many people continue to immigrate clandestinely by sea, often risking their lives. My delegation would like to recall that the duty to assist persons in distress at sea is a fundamental obligation under international law, regardless of the nationality or status of the individuals or the circumstances in which they are found. Difficulties in disembarking persons who have been rescued at the nearest port are a real obstacle to compliance with this obligation to rescue persons. Tunisia, which makes considerable efforts to honour its obligation to rescue persons in the central Mediterranean, would like to stress the importance of integrating our efforts into a framework for international and regional cooperation aimed at enhancing the search and rescue capacities of developing coastal States.

We welcome the fact that the Union for the Mediterranean decided on 13 July 2008, to devote special attention to cooperation in the area of maritime security and safety. We will participate with great interest in the specific projects agreed in that area.

The upsurge in acts of piracy and armed robbery is of continual concern to the international community. That threat to maritime security also hinders the use of oceans and seas for the promotion of economic, social and environmental aspects of sustainable development. We therefore need greater cooperation to deal with that threat. All measures taken to combat those threats must conform to the provisions of international law, inter alia the Convention, and must respect the national jurisdiction, territorial integrity and sovereignty of States.

My country is particularly distressed over the current and perspective impact of man-made climate change. It is extremely important to continue scientific research in order to better understand the impact of climate change on the marine environment and marine biodiversity.

In the meantime, it is imperative to take urgent steps to mitigate and to minimize the impact of climate change on ocean-related activities. We wish to reiterate the appeal made by the General Assembly to States to reduce greenhouse gas emissions in accordance with the principles set forth in the United Nations Framework Convention on Climate Change, in particular the principle of common and differentiated responsibilities and respective capabilities.

I wish to take this opportunity to recall the declaration that was adopted at the International Solidarity Conference on Climate Change Strategies for the African and Mediterranean Regions, organized by Tunisia in November 2007, on international solidarity to protect Africa and the Mediterranean regions from climate change. Participants called on developed countries to establish new mechanisms for international solidarity to support developing countries, in particular the most vulnerable among them in the
preparation of strategies to mitigate and to adapt to the impact of climate change.

The marine environment and marine resources are key players in preserving life on earth, and they provide goods and services that benefit all of the human race. However, human activity brings many different kinds of pressures to bear on the oceans, leads to an alarming pollution of marine ecosystems and has an impact on biodiversity.

Some progress has been made at the global level to promote conservation and the sustainable exploitation of marine biodiversity. We could mention the work by the Food and Agriculture Organization of the United Nations in developing a legally binding regime to combat illegal, unreported and unregulated fishing. However, we must recognize that more efforts are needed to preserve biodiversity beyond national jurisdiction limits, if we are to reach the goals set by the international community at the 2002 World Summit on Sustainable Development and the 2005 World Summit.

The sustainable development of fisheries remains a major challenge to the international community. Many of the main fisheries in the world have reached their maximum capacity and yet, the demand for fish increases and will probably continue to increase. If we wish to comply with commitments made at the 2002 Johannesburg Summit on having sustainable fisheries by the year 2015, then we must tackle with determination destructive fishing practices, such as illegal, unreported and unregulated fishing activities.

That work must also take into account the special needs of developing States. Technical and financial assistance and other forms of capacity-building should be offered to developing States, so that they can better conserve and manage fishing resources in the areas within their national jurisdiction, or to enable them to participate in the sustainable exploitation of straddling fish stocks and highly migratory fish stocks.

The United Nations Convention on the Law of the Sea gave rise to great hopes that law and order would prevail in the oceans and seas and that living resources of the seas and scientific knowledge of the marine environment would benefit the entire human race. And yet results have not lived up to the hopes. Many problems remain unresolved. Non-viable and destructive fishing practices continue to thrive in much of the oceans and many States do not effectively control the ships flying their flags. Developing countries that had great hope for technology transfers in order to exploit their marine resources do not seem to have benefited from the new regime.

However, the Convention, despite its limitations, is a veritable constitution for the oceans and seas, and it must remain the legal framework for all activities relating to the oceans and seas. Tunisia is committed to the Convention and the principles enshrined therein in the various areas on the use of maritime areas, including the right of transit in international straits for international navigation.

The Acting President (spoke in Spanish): I now give the floor to His Excellency Mr. E. Ahamed, Minister of State for External Affairs of India.

Mr. Ahamed (India): At the outset I would like to thank the Secretary-General for his useful reports on issues relating to the oceans and the law of the sea. The 1982 United Nations Convention on the Law of the Sea (UNCLOS) lays down a comprehensive regime for the world’s oceans and seas, establishing rules governing all uses of the oceans and their resources.

The use of ocean resources is fundamental to human well-being and development. The long-term sustainability of oceans is critical as any change that alters the state of oceans can have immense socio-economic consequences. Therefore, there is an urgent need to address the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction.

The threats to biodiversity in areas beyond national jurisdiction range from open access to fisheries, destructive fishing practices like bottom trawling, pollution from ships and other land-based activities and new threats deriving from bioprospecting and geoengineering activities. A combination of measures, including monitoring, scientific investigation and improved governance are required to prevent or reduce harmful impacts of such activities on biological diversity.

The management and governance of high seas areas presents a formidable challenge for the international community as development of an effective regime for the protection of biodiversity in areas beyond national jurisdiction is seen to be circumscribing some of the traditional high seas freedoms. The challenges of protecting, conserving and
ensuring sustainable management of marine biodiversity beyond national jurisdiction are thus enormous.

Marine protected areas (MPAs) can be a useful marine ecosystem management tool for securing protection from threats to marine biological diversity.

The developing literature on MPAs reveals the potential benefits that they could offer not only to the resilience of vulnerable marine systems, but also to the productivity of fisheries. However, in respect of MPAs in areas beyond national jurisdiction, information on governance aspects and costs and benefits is still very sparse. That is an area where more information on both scientific and economic aspects would be useful.

It is essential to continue to develop and facilitate the use of other approaches and tools for conserving and managing vulnerable marine biodiversity in areas beyond national jurisdiction. The time-bound measures proposed in General Assembly resolution 61/105 of 2006 to protect vulnerable marine ecosystems from destructive bottom fishing practices represent an important first step in addressing the problem. The Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area adopted by the International Seabed Authority also constitute an important input.

Overfishing, destructive fishing practices and illegal, unreported and unregulated (IUU) fishing continue to be great threats to the conservation, management and sustainable use of biodiversity on the high seas. To combat IUU fishing it is essential to give priority to compliance and enforcement measures, including effective port State measures, listing of vessels and developing and implementing integrated monitoring, control and surveillance packages. It is important to sustainably manage fish stocks and protect vulnerable marine ecosystems and thus balance sustainable use and conservation.

We would also like to emphasize the importance of the principle of freedom of navigation, including the right of innocent passage as well as transit passage through straits used for international navigation. States bordering straits may adopt laws or regulations relating to transit passage through straits, but such laws should be enforced in a manner that is non-discriminatory and fully consistent with article 42 of UNCLOS.

In the area of maritime navigation, it is a matter of serious concern that the number of incidents of piracy and armed robbery is once again on the rise, particularly off of the coast of Somalia. Those attacks threaten maritime security by endangering the lives of seafarers and the security of navigation and commerce. Therefore, we fully support and are involved in the recent efforts to address the problem. Nevertheless, action by the Security Council through resolutions 1816 (2008), 1838 (2008) and 1846 (2008) became necessary owing to the particular situation in Somalia and is not considered as establishing customary international law.

Most armed robberies occur in the internal and archipelagic waters. Law enforcement against armed robbers thus falls primarily within the domain of the coastal States concerned. Therefore, enhancement of coastal States’ capacity to combat such crimes is very important. In addition, a need for increased bilateral, multilateral and regional cooperation to combat piracy and armed robbery by coastal States cannot be overemphasized. Such cooperation must be based on respecting the coastal States territorial integrity, sovereignty, sovereign rights and jurisdiction in accordance with international law.

Developing States require assistance and resources to participate in maritime security arrangements. The Secretary-General’s report (A/63/63) rightly places emphasis on the continuous need to assist developing States to take measures relating to maritime security. Lack of expertise and specialized knowledge can also be addressed through capacity-building programmes, including transfer of equipment or technology.

There has been a decrease in the number of attacks by pirates and armed robbers in the Asian region through increased national action and regional cooperation. There are several commendable regional initiatives in that regard that serve to enhance the safety of navigation, environmental protection and security in the Straits of Malacca and Singapore, while respecting the sovereignty and sovereign rights of littoral States.

In February of this year, India also launched an important regional maritime security initiative, namely, the Indian Ocean Naval Symposium, with a focus on constructive engagement among all littoral States of the Indian Ocean region. Its primary aim is to sustain a regionally relevant, consultative forum to promote a shared understanding of issues and concerns relevant to
the Indian Ocean region, which bear upon maritime security.

In conclusion, I would like to note that there is an urgent need to promote additional research and information-sharing on new and emerging activities that impact the oceans. Deep seabed research is still largely the domain of select developed countries. It is imperative that there be an increased flow of scientific data and information and transfer of knowledge to developing countries, so as to improve their understanding and knowledge of oceans and deep seas. International cooperation remains a critical component, not only for enhancing maritime security and safety but also for the sustainable use of marine resources and rational utilization of the oceans and seas.

Ms. Negm (Egypt) (spoke in Arabic): The delegation of Egypt would like to express its gratitude to the Secretary-General and to the Division for Ocean Affairs and the Law of the Sea in the Office of Legal Affairs of the United Nations for their valuable reports prepared under this item.

At the outset, the Egyptian delegation emphasizes the continuous need to foster international cooperation in a comprehensive manner aiming at improving the status of oceans and seas around the world, especially the notion that national efforts cannot be isolated from international efforts in that regard. That requires support for the efforts of developing countries in all fields related to oceans and seas, whether for protecting the environment, confronting the negative effects of climate change or countering the effects of illegal fishing. Moreover, there is a need to ensure the optimal utilization of the high seas and the exploitation of the resources in that area that constitutes the common heritage of mankind.

From that perspective, the delegation of Egypt asserts that it is important for all States to take all necessary measures to protect the marine environment. However, it also underlines the importance of achieving a balance between the requirement to protect the marine environment and the rights provided to States in accordance with the United Nations Convention on the Law of the Sea (UNCLOS), and also, as a priority, the right of transit passage in international straits. In that context, the Egyptian delegation regrets the failure of States to agree on a reference to that principle — as stipulated in article 42 of the Convention on the Law of the Sea — in the draft resolution of the General Assembly for this session and hopes that the issue will be addressed in a draft resolution in the next session.

In that regard, the delegation of Egypt welcomes the agreement of Member States to incorporate in the current draft of the annual resolution on oceans and the law of the sea a reference to the review of the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, a topic to be examined at its next session. That will enable States to assess the positive aspects and shortcomings of the Informal Consultative Process in order to ensure optimal use of the Organization’s resources. It will also guarantee that the Process is effective and is not diverted from the purpose for which it was established: achieving the sustainable development of the seas and oceans.

In that connection, the delegation of Egypt attaches importance to the resumption of the Review Conference on the 1995 Fish Stocks Agreement, which will take place in 2010. We reaffirm the importance of discussing and seriously addressing issues of concern to States non-parties to the Agreement, since the goal of the Conference is to promote broader participation in the Agreement in order to ensure the attainment of its objectives: the conservation of fish stocks and the enhancement of international cooperation to that end.

Therefore, the delegation of Egypt reaffirms once again the obligation of States to tighten control over illegal, unreported and unregulated fishing practices as well as fishing practices that are destructive to the marine environment, particularly in deep sea areas. That will enable the international community to tackle problems related to protecting the marine environment, saving fish species threatened with extinction and increasing fish stocks in order to help address the international food crisis.

Before concluding, I wish to refer to the issue of ensuring the safety and security of maritime navigation. Egypt is carefully and closely monitoring the problem of piracy off the coast of Somalia. Our delegation stresses that it is essential to address that issue comprehensively and in such a way as to preserve the balance between the safety requirements needed for secure maritime navigation in the seas and oceans, on the one hand, and the need to abide by the obligations of international law, particularly those set out in the

Moreover, the delegation of Egypt wishes to refer to the high-level consultative meeting held on 20 November 2008 among the coastal Arab States overlooking the Red Sea, co-chaired by Egypt and Yemen, with the participation of Somalia and the League of Arab States. At the meeting, it was stressed that the coastal Arab States overlooking the Red Sea have primary responsibility for its security. In that context, the delegation of Egypt stresses that no international measure taken in the waters off Somalia should be regarded as a precedent for future action. We also emphasize the need to draw lessons from that experience in order to strengthen international cooperation aimed at ensuring the safety of maritime navigation on all oceans and seas throughout the world.

Mrs. Picco (Monaco) (spoke in French): The food crisis and the climate crisis have broadened the scope of the issues that we are discussing today under the agenda item “Oceans and the law of the sea”.

Climate change is aggravating the severe effects of the constant loss of biological diversity. Protecting biological diversity and ecosystems is now a matter of equity and ethics. We thus welcome the measures taken by several regional fisheries management organizations to ban access to their members’ ports by ships engaging in illegal, unreported and unregulated fishing; the Reykjavík Declaration on Responsible Fisheries in the Marine Ecosystem; the efforts of the Food and Agriculture Organization of the United Nations to establish systematic ecosystem approaches to fisheries management; and the decisions taken at the Conference of the Parties to the Convention on Biological Diversity and at other relevant treaty conferences.

The identification of criteria for assessing the performance of flag States and for reducing or eliminating fisheries by-catches and discards is also needed to ensure responsible fishing that is respectful of biological diversity.

Within the framework of a partnership with the World Wildlife Fund (WWF), the Prince Albert II of Monaco Foundation signed an agreement in January 2008 to carry out a huge project aimed at protecting bluefin tuna. Among the project’s goals are to promote sustainable fishing and to encourage the international community to create a bluefin tuna sanctuary. The marking campaign launched in September is an effort to better understand bluefin tuna migration patterns. It will last for three years and is aimed at charting tuna migratory routes in Mediterranean waters. Following up on WWF activities in Monaco, the Monaco Sustainable Development Association has called on our restaurants to stop offering this widely overfished species, whose stocks could fall below resilience levels, leading inevitably to an imbalance in the Mediterranean pelagic ecosystem.

The Principality of Monaco, inspired by the personal commitment of His Serene Highness the Ruling Prince, is very much greatly interested in polar protection. Several initiatives have been carried out within the framework of the fourth International Polar Year in response to the appeal set out in the resolution adopted last year by the General Assembly and reiterated in the draft resolution submitted to the Assembly at its current session.

At the tenth special session of the United Nations Environment Programme (UNEP) Governing Council, held in February 2008 in Monaco, a decision was adopted on sustainable development of the Arctic region. That decision led the Principality to host, from 9 to 10 November 2008, an international conference entitled “The Arctic: an observatory for environmental change”, organized by the French presidency of the Council of the European Union as well as Monaco. Noting the major changes affecting that particularly vulnerable part of the world and their social, economic and cultural consequences, the conference’s final declaration calls for a major scientific research effort to better understand the mechanisms and effects of environmental change, in particular climate change, and for greater scientific cooperation, which could involve linking all Arctic observation stations. In that regard, we should highlight the efforts of the Arctic Council and the Sustaining Arctic Observing Networks.

Furthermore, the Prince Albert II of Monaco Foundation and the Permanent Delegation of Monaco to international scientific, environmental and humanitarian organizations served as sponsors of the Polar Law Symposium of United Nations University and the University of Akureyri, held in Iceland from 7 to 10 September 2008. In 2009, Monaco will organize an international meeting of experts, under UNESCO auspices, on sustainable development in the Arctic region in the face of environmental change. Finally, Monaco acceded to the Antarctic Treaty on 31 May 2008, and in early 2009 His Serene Highness the
Prince, at the invitation of scientists, will set out on an Antarctic expedition that will visit 26 observation stations maintained by 18 countries.

As His Serene Highness the Prince emphasized in his July 2008 statement at the Paris Summit on the Barcelona Process and the Union for the Mediterranean,

“Like the rest of the planet, this sea is suffering from the effects of climate and desertification, and its biodiversity is in danger. Here, let me say forcefully and seriously that the Mediterranean is our common heritage, and that heritage is in danger. It is our imperative duty to save it. That requires exceptional mobilization to protect our unique environment.”

The first ministerial meeting of the Euro-Mediterranean Partnership on sustainable development will be held in March 2009 in Monaco, in collaboration with Egypt, France and the Czech Republic. It will be followed by a technical meeting in May 2009 on financing water and environmental projects of the Union for the Mediterranean.

Furthermore, the Principality of Monaco is closely following the discussions within the International Maritime Organization on small boats. Indeed, similar concerns have given rise to the work on pleasure craft carried out in collaboration with the Division for Ocean Affairs and the Law of the Sea, which has contributed to the adoption of principles, within the framework of UNEP’s Mediterranean Action Plan, regarding sustainable development and respect for the marine environment in pleasure-craft activities on the Mediterranean.

Monaco attaches great importance to marine protected areas (MPAs). The Pelagos Sanctuary for Mediterranean Marine Mammals is the only marine protected area beyond the jurisdictions of France, Italy and Monaco. The Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area, concluded under the Convention on the Conservation of Migratory Species of Wild Animals and whose headquarters is in Monaco, focuses its efforts on such species throughout the basin of the Black Sea, the Mediterranean and the contiguous Atlantic area.

That is why we wish to highlight the resolve of an international group of experts on marine mammals and marine protected areas, which will hold the first international conference on marine protected areas for marine mammals in Hawaii in March and April 2009, in partnership with the Fisheries Service of the National Oceanic and Atmospheric Administration of the United States of America. This conference hopes to establish formal and informal links between MPAs using as an example the network established under the Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and Contiguous Atlantic Area.

This year, the draft resolution on maritime safety and security and flag State implementation was prefaced by very fruitful discussions at the ninth session of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea. At a time when new sea routes are opening up and new tourist destinations in areas with fragile ecosystems are being marketed, these safety measures are of unprecedented importance. The International Hydrographic Bureau is helping to develop capacity to draw up electronic maps to make navigation safer in international navigation zones, ports and in marine protected areas.

The delegation of Monaco reiterates its support for the Informal Consultative Process, and we believe that next year’s session dedicated to reviewing the Process will shed light on its usefulness in studying questions of the law of the sea in an informal framework.

On 8 June 2009, we will officially celebrate World Ocean Day under the aegis of the United Nations. Since 2003, the World Ocean Network has been coordinating activities to make the public more aware of the oceans, and in 2007, more than 50 countries on five continents participated through educational and other activities. Our Government worked with the Oceanographic Museum in Monaco to mark the International Polar Year, 2007-2008, and the 2008 International Year of the Reef.

This new celebration is part of a number of commemorative days involving the oceans and seas, including World Environment Day, on 5 June, and World Maritime Day, celebrated under the guidance of the International Maritime Organization in late September. It is necessary, therefore, to strengthen the coordination among the various activities and stakeholders so that they complement one another for the benefit of the oceans and the seas, their wealth and their role in the future of our planet.
I cannot conclude without noting the work done by the Commission on the Limits of the Continental Shelf, the International Seabed Authority and the International Tribunal for the Law of the Sea. I also thank the Division for Ocean Affairs and the Law of the Sea for its unfailing support to Member States. We would also like to thank the American and Brazilian delegations that coordinated consultations on the two draft resolutions, which are co-sponsored by Monaco.

Mr. Wetland (Norway): Climate change is impacting our marine environment. The sea level is rising, endangering millions of people in coastal zones and in small island States in particular.

The effects of climate change are most clearly visible and measurable in the polar regions. The air temperature has been rising twice as fast there as the global average. Polar ice caps are melting at an alarming speed. Ecosystems are changing. Fish stocks may migrate. Species may become endangered. In the Arctic region, a main challenge will therefore be to strike the right balance between protection of more accessible — and until now pristine — regions, and the orderly and sustainable management of its resources. The five Arctic Ocean coastal States have a special responsibility in this regard.

On 28 May this year, ministers and high officials from Canada, Denmark, Russia, the United States and Norway met at Hulissat, Greenland, where they agreed that there was already an extensive international legal framework that applies to the Arctic Ocean. The United Nations Convention on the Law of the Sea sets out rights and obligations that are universal. Its provisions applicable to the Arctic Ocean regulate the delineation of the outer limits of the continental shelf, the protection of the marine environment, including ice-covered areas, freedom of navigation and of marine scientific research. This legal framework provides a good foundation for responsible management of the Arctic Ocean.

What we now need is satisfactory implementation and compliance with the legal instruments that already exist, rather than new instruments. The key to achieving this goal is deeper, broader and more effective international cooperation and coordination. Most of the world’s countries have ratified the Law of the Sea Convention; all of the world’s countries should do so.

It is in the clear interest of all States that the outer limits of the continental shelf beyond 200 nautical miles be accurately defined as it is important for future offshore shelf activities and has significant positive development implications. By establishing the outer limits of the continental shelf, we also define the limits of the international seabed area, which is the common heritage of mankind.

Some States have already submitted data to the Commission on the Limits of the Continental Shelf, documenting the extent of their shelf beyond 200 nautical miles, and a considerable number of States are well on the way to doing so. For many States, the deadline for submitting such information is May 2009. We sincerely hope that States will comply with that deadline, and we urge them to do so.

In June this year, the States parties to the Convention recognized that some developing States face particular challenges in meeting the deadline. It was decided that it is sufficient for such States to submit preliminary information indicative of the outer limits of the continental shelf, together with a description of the status of preparation and the intended date for a full submission. By making use of internationally available data, expertise and existing funding mechanisms, all States concerned should be able to comply with the 2009 deadline.

The Norwegian Ministry of Foreign Affairs is currently funding the Shelf Programme of the United Nations Environment Programme, which is coordinated by the Global Resource Information Database, located in Arendal, Norway (GRID-Arendal) with a view to promoting capacity-building and making relevant data available to States. GRID-Arendal may be contacted in order to gain privileged access to a compilation of relevant data. The Norwegian mission to the United Nations stands ready to facilitate any Member State’s desire to cooperate with GRID-Arendal. There is also a United Nations trust fund that can provide financial assistance to facilitate the process of making a submission to the Commission. Norway has made substantial contributions to that fund, which has proven useful and helpful for many developing countries.

In a world facing a food crisis, illegal, unreported and unregulated fishing undermines efforts to conserve and sustainably manage fish stocks, and has severe negative effects on food security. Several international studies have found links between illegal fishing and
international criminal networks. It would be irresponsible not to intensify the fight against such illegal fishing.

We need a better understanding of the nature of this activity and of the actors involved. Norway therefore strongly advocates further discussion and studies on the links between this kind of illegal fishing and international organized crime in relevant international forums.

In a world that struggles with food production, it is simply unacceptable that large amounts of fish go to waste because they are simply discarded — thrown overboard. The precise scale of this waste is hard to determine, as discarded fish are generally not registered or reported. Discards are therefore also a major source of error when total catches are being calculated; they undermine our knowledge base for determining allowable catch for the future. In Norway’s view, it is time to develop an international plan of action to reduce or eliminate discards, and we will take the initiative to develop such a plan within the framework of the Food and Agriculture Organization.

We, too, are seriously concerned about piracy and armed robbery at sea, in particular off the coast of Somalia. The growing number of vessels hijacked is an ongoing and serious threat to the safety and security of crew, sailors and officers, and to shipowners and other financial interests, as well as to the safe delivery of food and humanitarian assistance to the people of Somalia. Norway was one of the sponsors of the Security Council resolutions regarding piracy off the coast of Somalia, including the one adopted two days ago, and we welcome the Council’s efforts in this matter. We also welcome efforts by organizations such as NATO and the European Union and by individual States such as France. Piracy has long been regarded as an international crime. It is an anomaly that it still exists. But since this is the case, we must continue to work together to improve security for international shipping.

Mr. Rosenthal (Guatemala) (spoke in Spanish): First of all, allow me to begin by congratulating the Secretary-General and the Division for Ocean Affairs and the Law of the Sea for their work in producing their respective reports on the subject we are addressing today (A/63/63 and Add.1). These are very complete and comprehensive documents which give very valuable support to all our delegations.

There is a sort of synergy between the Secretary-General’s reports, the consultations of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, the deliberations in the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction and the meeting of the States parties to the United Nations Convention on the Law of the Sea, which has resulted in the drafting of an omnibus resolution on oceans and the law of the sea (A/62/L.42).

In this context, my delegation is pleased to have sponsored this omnibus draft resolution and would like to explain its position on those aspects that generated long and controversial debates throughout this session’s negotiations.

First, my delegation once again acknowledges the contribution of the Informal Consultative Process, which has been effective and constructive in the General Assembly’s consideration of the developments in the field of maritime protection and vigilance, which was the main issue at this session. We see in this first decade that the Consultative Process did fulfil its mandate in a very satisfactory way — first, by allowing us to take an integrated approach to the legal, political, economic, social, environmental and other aspects of ocean affairs, and secondly, because it gave us a better understanding of the subject and the identification of those questions that require joint action.

However, we should not become complacent, because, we must admit, this process has been shown to have a number of defects. There is definitely room for improvement, both in substance and on procedural matters. For that reason, we reiterate our support for the decision to undertake a detailed review of the functioning of the Informal Consultative Process in order to guarantee its continuity and the perfection of its results. What better forum in which to examine the functioning of the Consultative Process than the Process itself? Its comments will be extremely useful to the Assembly.

Secondly, with regard to the theme of this year’s Consultative Process, we agree with the Secretary-General when he asserts in his report that there is no universally adopted definition of the expression “maritime security” (A/63/63, para. 39). The definition will change depending on the perspective of each State on the interests that are threatened, directly or
indirectly, by activities on the seas and oceans. The relevant Convention clearly establishes that oceans and the Area will be used for peaceful means and explains the legal framework within which all activities in the seas and oceans should take place. It therefore establishes a careful balance between the sovereign rights, jurisdiction and freedoms of States in various maritime zones on the one hand and their rights and duties on the other.

We should also bear in mind that there are other treaties, with their own forums, that need to maintain their own autonomy and mandates. That is especially the case in dealing with the issue of transnational organized crime. For that reason, rather than entering into never-ending debates on what constitutes transnational threats and dangers, as happened at this session, we should place greater emphasis on international cooperation for maritime security.

We also believe that cooperation mechanisms with other international organizations should be strengthened, and we welcome in particular the work of the International Maritime Organization and the Food and Agriculture Organization of the United Nations.

Thirdly, we would like to take this opportunity to inform the Assembly that we are in the process of ratifying the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf. We are convinced that this will contribute to consolidating the international regime of maritime security.

Fourthly, with regard to fisheries management, we see that, despite the fact that the United Nations has been requesting States to join the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the great majority of Latin American countries have determined, after a detailed examination of the issue, that the Agreement omits fundamental precepts expressed in the United Nations Convention on the Law of the Sea. They also determined that the Agreement still includes, however, obstacles to greater participation by our countries, such as the lack of resources for its implementation, as noted in articles 7, 21, 22 and 23 of the Agreement. On this issue, we believe that the informal consultations of the States parties to the Agreement, which will take place next year, will offer a timely opportunity to promote dialogue with those States that are not parties to the Agreement in order to find a way to overcome those identified obstacles.

Through the General Assembly and this draft resolution, we are seeking an intergovernmental and participatory forum in order to achieve the long-term conservation and sustainable use of marine species through the adoption of measures and the proper functioning of regional and subregional fisheries management organizations on the high seas.

In this sense, we believe that illegal, destructive and predatory fishing requires greater attention and effective interdiction in order to focus on the ecosystem approach by which fishing must be an activity which is managed, planned and developed in a manner that ensures that its benefits are not only short-term but are, above all, multiplied for future generations. We cannot ignore experts’ predictions that fish stocks will be depleted by 2050; urgent measures are required to combat ongoing destructive processes and to care for the most vulnerable ecosystems. If we do not act, future generations will be condemned to suffer the depletion of living marine resources as well as conflicts arising from food insecurity.

More than 20 years after its adoption, the Law of the Sea Convention has proven not only to be the ideal basis to adopt measures and organize cooperation on marine matters at the national, regional and global levels, but it has also become a legal regime of sufficient flexibility to ensure its long-term applicability, as well as its capability, to face new challenges. In this sense, we are pleased to see the progress made this year within the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. I should mention that we will have the opportunity to discuss this topic once again at the next session. It presents challenges not only in the area of governance but also in promoting economic and scientific progress in developing countries.

In conclusion, we would like to express our thanks to the coordinators of the two draft resolutions presented today for their efforts and dedication.
Mr. McNee (Canada): At the outset, I would like to thank the coordinators of the draft resolutions on sustainable fisheries and the law of the sea (A/63/L.42 and L.43), Ms. Holly Koehler of the United States and Ambassador Henrique Valle of Brazil, for their leadership and the Division for Oceans and the Law of the Sea for its continued support and excellent work in oceans issues.

This year’s draft resolutions on sustainable fisheries and oceans and the law of the sea, which Canada was pleased to co-sponsor, confirm the continuing globalization of the oceans agenda. We meet this year at a time when our collective level of consciousness on the vital role of oceans is very high. And yet, trust in the collective ability to manage oceans issues to the benefit of all may be weakening.

For Canada, ocean sustainability has a special meaning given that Canada borders three oceans. But all States have a stake in this global agenda, including, most directly, as fishing States, as flag States, as port States or as consuming or market States. What this means in practice is that collectively we must fulfil our obligation to cooperate in a responsible and coherent manner.

Regional fisheries management organizations (RFMOs) are the keystone of high seas fisheries governance. RFMOs must use new modern ocean management principles and the best scientific information available in their decision-making. Canada is pleased at the attention this is receiving globally and especially with respect to the progress to improve fisheries management and its links to the marine environment in the North Atlantic. Tuna RFMOs are at a crossroads — aware of the benefit of these modern principles but, at the same time, struggling with their application. The General Assembly’s call for improved management, directed at tuna RFMOs, must be answered with more definitive progress in responsible and prudent resource management and decision-making.

Some progress was achieved at the recent annual meeting of the International Commission for the Conservation of Atlantic Tunas. However, considerable concern remains with respect to the plight of Atlantic bluefin tuna. The bluefin tuna has been an iconic and prized fish for centuries but it now faces collapse in the Eastern Atlantic and Mediterranean. Together we must cease trumping our conservation obligations with short-term socio-economic considerations.

The United Nations Straddling Fish Stocks Agreement is at the heart of modern high seas governance. It enshrines the precautionary and ecosystem approaches and gives a predominant role to RFMOs. Canada is pleased that more States have become parties in 2008 — the Republic of Korea, Palau, Oman, Hungary and Slovakia — bringing the total to 72, which is 14 more States parties than in 2006 at the time of the Review Conference. The Fish Stocks Agreement is fulfilling its promises of orderly high seas governance for straddling and highly migratory stocks and is the universal Agreement it was always intended to be. With five more States parties in the past year, the Agreement now has 72 State parties and is the Agreement that must be used as a basis for renewal and reform of RFMOs and arrangements on a worldwide basis.

Canada attaches great importance to the meaningful discussion of the yearly informal gathering of parties to the Agreement, where we exchange lessons learned and review the status of the Agreement. In 2009, we will devote much needed time to a dialogue between States parties and States non-parties on how to ensure greater partnerships on capacity-building. There are inspirational examples of international cooperation to improve oceans management among developing States, which involve the improved capacity to cooperate in fisheries. They involve funding from many sources that should not be overlooked. We hope for an exchange of best practices in this regard.

A prime example of the international community’s determination is highlighted by the collective will shown in implementing the General Assembly’s 2006 commitments in respect of vulnerable marine ecosystems. Its resolution on the subject (61/105) has been celebrated as the most significant management regime shift in fisheries in many years. It has mobilized tremendous global effort in a very short time, both through the Food and Agriculture Organization (FAO) and RFMOs, and the work done as a result is virtually unprecedented despite numerous constraints. Fishing States like Canada are taking the commitments seriously. We are convinced that the management changes reflected in the 2006 resolution are the right track and Canada is committed to them.

Responsible fishing implies that flag States control their vessels and that port States do not contribute to illegal, unregulated or unreported fishing
by letting such catch enter their ports and reach the market. Our collective efforts to close the gaps on these two fronts are exemplified by the work to be conducted at FAO, where flag State performance criteria will be further studied and where a binding instrument on port States is expected to be finalized in 2009. These efforts will lead to the closing of two huge gaps in fisheries governance. We are looking forward to continued strong cooperation from States on this matter.

Canada has underlined on several occasions the importance of the work of the Commission on the Limits of the Continental Shelf. It is clear that the workload of the Commission is intensifying. Canada continues to believe it is crucial for the Commission to have the necessary support to face the upcoming increased burden. Such support comes from the need for members to regularly attend the sessions of the Commission and the meetings of the subcommissions, and the continuing need to strengthen the capacity of the Division, which provides essential support and assistance to the Commission and its subcommissions. It is the responsibility of Member States to ensure that the Commission performs its functions efficiently and effectively, along with other institutions created by the United Nations Convention on the Law of the Sea.

Canada is also pleased with the work achieved to date relating to the regulations on prospecting and exploration for polymetallic sulphides, and we hope to see them finalized as soon as possible, preferably at the next session of the International Seabed Authority. Canada believes that we need to move forward as it is in our collective interest to establish conditions and certainty leading to the use of the mineral resources of the Area for the benefit of all.

(spoke in French)

Science has been and remains an essential building block of oceans management. We need to improve the understanding of oceans and to develop a global mechanism for delivering science-based information to help decision makers. In this context, Canada views the establishment of a national regular process for global reporting and assessment of the state of the marine environment, including sociological aspects, as an important commitment of the World Summit on Sustainable Development. Canada has been active and committed to ensuring a successful outcome of the “Assessment of Assessments” phase. Given the complexity of this topic, we are extremely pleased that the Canadian proposal for an ad hoc working group to propose a course of follow-up action to next year’s General Assembly has been widely supported.

It is generally accepted that integrated management is the touchstone for managing multiple uses and threats to oceans. For Canada, integrated management includes not only the uses directly, but also a greater oceans agenda. The oceans community has come to recognize the value of the Informal Consultative Process as a forum where oceans experts come together to ensure better cooperation, coordination, and integration of efforts. This is true for issues and activities relevant to a range of forums and especially for emerging issues. The Informal Consultative Process is a forum for integrated and coordinated discussions to advance our collective thinking on international priorities relating to the oceans. In Canada’s view, it is precisely because knowledge, policy frameworks, standards and issues are at play in multiple, often fragmented ways, that the Consultative Process is so useful.

Canada is glad that the Consultative Process has tackled very difficult issues in recent years, which has allowed us to attain a common understanding on the diverse elements of oceans governance. That understanding has been reflected in General Assembly resolutions.

Canada would have preferred a substantive discussion in 2009 from among the emerging oceans issues. Canada looks forward to an open and frank discussion next year as we proceed with an Informal Consultative Process review as it celebrates its tenth anniversary. It is in our collective interest to ensure that the Process remains a relevant and effective forum that allows us to collectively tackle difficult issues for the benefit of our global oceans agenda.

In closing, while the oceans governance agenda is complex and multifaceted, Canada in convinced that the United Nations Convention on the Law of the Sea should continue to be the legal framework under which all oceans activities are governed. Effective implementation and enforcement of the existing instruments, including the Convention, are to guide our actions and serve as priorities.

With such high international stakes, it is fitting that the General Assembly is being called upon, through this year’s Law of the Sea resolution, to
Mr. Okuda (Japan): At the outset, my delegation wishes to thank the coordinators of the two draft resolutions before us today (A/63/L.42 and L.43): Ambassador Henrique Valle of Brazil and Ms. Holly Koehler of the United States. Our thanks go also to all the countries that contributed to the consultations in a spirit of cooperation, and to all the staff of the Division for Ocean Affairs and the Law of the Sea, who provided invaluable support. Japan is pleased to be a sponsor of the draft omnibus resolution, A/63/L.42, entitled “Oceans and the law of the sea”.

Japan is a maritime country surrounded by sea, and depends on maritime transport for nearly all imports of energy resources, including oil and minerals. As an island country with few natural resources, Japan attaches great importance from an economic perspective to marine living resources and other natural resources lying on the continental shelves as well as on the deep seabed under its surrounding waters. As a consequence, we have a strong interest in this agenda item.

Japan is deeply concerned about the recent sharp rise in acts of piracy and armed robbery against vessels off the coast of Somalia and in the Gulf of Aden. Such acts threaten the safety of navigation at sea. Piracy issues, therefore, should be tackled by international society as a whole. In this connection, Japan welcomes Security Council resolutions 1816 (2008), 1838 (2008) and 1846 (2008), adopted by consensus this year.

Under the initiative of the International Maritime Organization, a new regional framework has been under consideration to prevent, deter and suppress piracy and armed robbery in the areas of the Western Indian Ocean, the Gulf of Aden and the Red Sea. We believe that the implementation of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) should serve as a model for the establishment of such a framework. Japan is ready to contribute to the formulation of a ReCAAP-based framework, making use of its own experience in combating piracy and armed robbery.

One of the crucial pillars in combating piracy is to strengthen the information-sharing system among States concerned. Japan took the lead in the efforts to draft and bring about the adoption of the Regional Cooperation Agreement, which provides a legal framework for enhancing cooperation among concerned States. Various types of cooperation are currently under way based on the information shared through the Regional Cooperation Agreement, which we believe is an example of a successful regional cooperation framework against piracy and the armed robbery of ships. We would also like to note that, in order to maintain the effectiveness of the Regional Cooperation Agreement, it is indispensable for the littoral States to join the Agreement and to cooperate with each other.

To ensure safe maritime navigation, cooperation by user States and entities is also necessary. Japan, as a major user State of the Straits of Malacca and Singapore, has been assisting the littoral States since the 1960s. In this connection, Japan welcomes the Cooperative Mechanism, a framework for cooperation between user and littoral States established at the International Maritime Organization (IMO) meeting on the Straits of Malacca held in Singapore last year.

During this year’s informal consultations on the draft resolution before us, extensive negotiations were conducted among countries concerned regarding a paragraph reaffirming the right of transit passage through straits used for international navigation. We regret that this year’s resolution does not contain such a paragraph. Japan is very concerned that some States bordering straits have adopted laws and regulations, such as compulsory pilotage, which have the practical result of limiting the right of transit passage of other States. Although we fully understand that due consideration must be paid to the interests of bordering States, we strongly hope that all States will take action in an appropriate manner, so as to avoid imposing constraints upon the right of transit passage provided by the United Nations Convention on the Law of the Sea.

Japan welcomes the recommendations adopted this year by the Commission on the Limits of the Continental Shelf with regard to Australia and New Zealand. The recommendations of the Commission play an important role in delimiting the continental shelf of coastal States, and Japan appreciates the
activities of the Commission from the viewpoint of establishing the maritime order.

In November this year, Japan made a submission to the Commission to establish the outer limits of the continental shelf beyond 200 nautical miles. We undertook careful preparation prior to our submission and believe the submission will be found to have merit upon examination by the Commission. The Commission now has five submissions, including Japan’s, awaiting the establishment of subcommissions, and more submissions are expected to come. In this circumstance, Japan requests that the Commission take concrete measures to improve its efficiency. In order to accelerate the work of the Commission, Japan has made an additional contribution of $41,000 to the voluntary trust fund set up to help defray the participation costs for developing States.

Japan highly appreciates the important role played by the International Tribunal for the Law of the Sea in terms of the peaceful settlement of disputes and the maintenance and development of the legal framework for ocean affairs. Japan will continue to support the valuable work of the Tribunal. As a State that counts one of its nationals as a sitting Judge and as one of the largest contributors to the Tribunal, providing 22 per cent of its budget, Japan renews its commitment to the Tribunal.

During the nineteenth Meeting of States Parties to the Convention, the allocation of seats on the Commission and at the Tribunal was considered. Japan attaches importance to the activities of the two organizations and hopes that an appropriate allocation of seats will be decided in accordance with the principle of geographical equity.

Japan believes that the conservation of marine biodiversity by establishing marine protected areas on the high seas should be considered in a detailed and careful manner consistent with international law and current scientific information. In this connection, we note that the Food and Agricultural Organization of the United Nations (FAO) is already studying the issue, relying upon its specialized expertise and knowledge, and that the regional fisheries management organizations (RFMOs) are taking specific controlling measures, such as restricting seasons and areas for fishing. The accumulation of scientific knowledge through the promotion of marine scientific research in accordance with the Convention is also important for the protection of marine biodiversity beyond areas of national jurisdiction.

With respect to the Global Marine Assessment, Japan appreciates the work of the experts of the Ad Hoc Steering Group to oversee the execution of the “assessment of assessments”, a preparatory stage for the Assessment, which was established to provide decision makers with information concerning marine environment conservation through an assessment of the whole marine environment based on integrating all existing assessments. We will continue to support the provision of effective information on global marine use, contributing our knowledge and expertise through the participation of Japanese experts.

The transport of radioactive materials is indispensable for the functioning of the nuclear fuel cycle, which in turn is indispensable for a stable supply of energy to Japan. Over the past thirty years, Japan has applied rigorous safety measures when transporting radioactive materials. Japan will intensify its efforts to ensure the safety of transport of such materials.

In recent years, the transport of radioactive materials has been discussed at the International Atomic Energy Agency from the technical and expert points of view, and the dialogue between coastal States and shipping States has moved forward. Japan welcomes this progress and will actively contribute towards achieving mutual understanding between coastal States and shipping States.

As a responsible fishing State and a State party to the Convention and the United Nations Fish Stocks Agreement, Japan is dedicated to addressing the promotion of sustainable use through the conservation and management of living marine resources and the appropriate conservation of the marine ecosystem, in cooperation with the parties concerned through bilateral fisheries agreements, FAO and RFMOs.

Illegal, unreported and unregulated fishing activities and over-capacity are very serious problems for the sustainable use of living marine resources. There is an urgent need to address these serious problems on a global scale. Ongoing discussions are taking place within FAO on a draft agreement on port State measures that can be taken against illegal, unreported and unregulated fishing. The scope of vessels under the present draft includes cargo and fuel-supply vessels. Japan would like to stress that full consultation and coordination should be carried out
between IMO and FAO in order to coordinate their operations and systems for introducing port measures.

The consultations regarding the establishment of an international mechanism for the management of high seas bottom fisheries in the North-West Pacific Ocean are under way, and Japan will take responsible action on this year’s resolutions.

The second joint tuna RFMO meeting, bringing together five tuna RFMOs, will take place in 2009. Japan will continue to make efforts for the conservation and management of tuna resources in cooperation with each RFMO and its contracting parties.

*The meeting rose at 1.10 p.m.*