



# General Assembly

Sixty-second session

**77<sup>th</sup>** plenary meeting

Tuesday, 18 December 2007, 4 p.m.  
New York

Official Records

*President:* Mr. Kerim ..... (The former Yugoslav Republic of Macedonia)

*In the absence of the President, Mr. Soborun (Mauritius), Vice-President, took the Chair.*

*The meeting was called to order at 4.10 p.m.*

## Reports of the Third Committee

**The Acting President:** As announced this morning, the General Assembly will first take up the remaining reports of the Third Committee. Thereafter, the Assembly will resume its consideration of agenda item 77 and its sub-items (a) and (b), on oceans and the law of the sea.

### Agenda item 70 (*continued*)

#### Promotion and protection of human rights

##### (d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

###### Report of the Third Committee (A/62/439/Add.4)

**The Acting President:** May I take it that the Assembly wishes to take note of the report of the Third Committee?

*It was so decided.*

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (d) of agenda item 70?

*It was so decided.*

##### (e) Convention on the Rights of Persons with Disabilities

###### Report of the Third Committee (A/62/439/Add.5)

**The Acting President:** The Assembly has before it a draft resolution recommended by the Third Committee in paragraph 10 of its report, which was orally corrected by the Rapporteur at the 76th meeting.

We will now take a decision on the draft resolution, as orally corrected. The draft resolution is entitled "Convention on the Rights of Persons with Disabilities and its Optional Protocol". The Third Committee adopted it without a vote. May I take it that the Assembly wishes to adopt the draft resolution, as orally revised?

*The draft resolution, as orally corrected, was adopted (resolution 62/170).*

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (e) of agenda item 70?

*It was so decided.*

##### (f) Celebration of the sixtieth anniversary of the Universal Declaration of Human Rights

###### Report of the Third Committee (A/62/439/Add.6)

**The Acting President:** The Assembly has before it a draft resolution recommended by the Third Committee in paragraph 8 of its report. We will now

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take a decision on the draft resolution, entitled “International Year of Human Rights Learning”. The Third Committee adopted it without a vote. May I take it that the Assembly wishes to do likewise?

*The draft resolution was adopted* (resolution 62/171).

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (f) of agenda item 70?

*It was so decided.*

**The Acting President:** The General Assembly has thus concluded this stage of its consideration of agenda item 70 as a whole.

## **Agenda item 106**

### **Crime prevention and criminal justice**

#### **Report of the Third Committee (A/62/440)**

**The Acting President:** The Assembly has before it four draft resolutions recommended by the Third Committee in paragraph 24 of its report and one draft decision recommended by the Committee in paragraph 25 of the same report. We will now take a decision on draft resolutions I to IV, one by one, and on the draft decision.

Draft resolution I is entitled “Technical assistance for implementing the international conventions and protocols relating to terrorism”. The Third Committee adopted it without a vote. May I take it that the Assembly wishes to do likewise?

*Draft resolution I was adopted* (resolution 62/172).

**The Acting President:** Draft resolution II is entitled “Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice”. The Third Committee adopted it without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution II was adopted* (resolution 62/173).

**The Acting President:** Draft resolution III is entitled “United Nations African Institute for the Prevention of Crime and the Treatment of Offenders”.

The Third Committee adopted it without a vote. May I take it that the Assembly wishes to do likewise?

*Draft resolution III was adopted* (resolution 62/174).

**The Acting President:** Draft resolution IV is entitled “Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity”. The Third Committee adopted it without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution IV was adopted* (resolution 62/175).

**The Acting President:** We now turn to the draft decision, entitled “Document considered by the General Assembly in connection with the question of crime prevention and criminal justice”. May I take it that it is the wish of the General Assembly to adopt the draft decision recommended by the Third Committee?

*The draft decision was adopted.*

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 106?

*It was so decided.*

## **Agenda item 107**

### **International drug control**

#### **Report of the Third Committee (A/62/441)**

**The Acting President:** The Assembly has before it a draft resolution recommended by the Third Committee in paragraph 12 of its report. We will now take a decision on the draft resolution, entitled “International cooperation against the world drug problem”. The Third Committee adopted it without a vote. May I take it that the Assembly wishes to do likewise?

*The draft resolution was adopted* (resolution 62/176).

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 107?

*It was so decided.*

**Agenda item 121****Revitalization of the work of the General Assembly****Report of the Third Committee (A/62/442)**

**The Acting President:** The Assembly has before it a draft decision recommended by the Third Committee in paragraph 6 of its report. We will now take action on the draft decision, entitled "Programme of work of the Third Committee for the sixty-third session of the General Assembly". It was adopted by the Third Committee. May I take it that the Assembly wishes to do the same?

*The draft decision was adopted.*

**The Acting President:** The General Assembly has thus concluded this stage of its consideration of agenda item 121.

**Agenda item 129 (continued)****Programme planning****Report of the Third Committee (A/62/443)**

**The Acting President:** May I take it that the General Assembly wishes to take note of the report of the Third Committee?

*It was so decided.*

**The Acting President:** The Assembly has thus concluded this stage of its consideration of agenda item 129.

**Agenda item 77 (continued)****Oceans and the law of the sea****(a) Oceans and the law of the sea**

**(b) 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 (A/62/260)**

**Mr. Al-Saied (Kuwait) (spoke in Arabic):** The delegation of the State of Kuwait wishes to thank the President of the General Assembly for his articulate and effective conduct of the work of this session. We also convey our thanks to the Secretary-General for his report on oceans and the law of the sea (A/62/66 and

Adds.1 and 2), prepared pursuant to paragraph 130 of General Assembly resolution 61/222.

The State of Kuwait attaches great importance to the subject of oceans and the Law of the Sea, and welcomes the Secretary-General's 12 March 2007 report, which contains a comprehensive review of developments and issues relating to the implementation of the United Nations Convention on the Law of the Sea and to the work of the United Nations and its specialized agencies on ocean affairs and the law of the sea.

We highlight the global and regional importance of the content of the report. The State of Kuwait also commends the States that recently acceded to the Convention, thus increasing the number of the States parties to the Convention to 153. This increase in the number of States acceding to the Convention demonstrates its importance on both the international and regional levels. In this regard, we call upon the States that have not yet acceded to the Convention to do so. This would help strengthen international peace and security among all the States parties, in line with the global and regional character of the Convention and promoting justice and equality in accordance with the purposes and principles of the Charter of the United Nations.

The State of Kuwait wishes to commend the tangible progress achieved in the activities of all the bodies established pursuant to 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.

Those bodies are important for implementing the provisions of the Convention, which is the agreed legal framework for protecting and preserving the marine environment, by taking all necessary measures to prevent pollution and to promote the peaceful utilization of the oceans and the seas.

The State of Kuwait is firmly convinced that the management and preservation of marine resources can only adequately take place through building the marine capacities of developing countries, and through the transfer of modern technology, so that those countries can play a more effective role in managing and preserving marine resources.

It is therefore necessary to improve cooperation and coordination at all levels in accordance with the United Nations Convention on the Law of the Sea in

order to address comprehensively all aspects of the issues relating to oceans and seas and thus to ensure the integrated management and sustainable development of the oceans and seas.

Since protecting the marine environment and preserving its living natural resources is a matter of great importance, we must take a holistic approach and continue to study and consolidate measures leading to intensified cooperation and coordination on preserving marine biodiversity from the effects of both human and naturally induced climate change.

Realizing the vital importance of this subject, the State of Kuwait has acceded to the various international instruments on this subject, including the United Nations Convention of the Law of the Sea, in 1986, and the Agreement relating to the implementation of Part XI of the United Nations Convention of the Law of the Sea, in 2002, and is a party to the Protocol concerning Marine Pollution Resulting from Exploration and Exploitation of the Continental Shelf.

In this regard, we would like to note that Kuwait is the headquarters of the Regional Organization for the Protection of the Marine Environment, established pursuant to the 1978 Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution, which aims to coordinate the efforts of all the coastal States of the Gulf to protect the resources of the marine environment. Furthermore, the State of Kuwait also carries out programmes with the International Atomic Energy Agency to protect the marine environment.

In conclusion, the State of Kuwait urges all States parties to cooperate and to work to improve the lives of all peoples, through the preservation and optimal use of marine resources by adhering to the provisions of the international conventions and by observing the law, in order to ensure the rights of peoples and the fair and equitable use of marine resources. This would guarantee our achievement of the desired environmental sustainability.

**Mr. Koderá (Japan):** In this commemorative year celebrating the twenty-fifth anniversary of the adoption of the United Nations Convention on the Law of the Sea, Japan would like to renew its commitment, as a major maritime State, to continue to contribute to the stability of the legal framework on ocean affairs and to its further development based on the Convention.

In April this year, the Japanese Diet enacted the Basic Act on Ocean Policy, which took effect in July. The purpose of this legislation is to stipulate basic principles and to promote ocean policy comprehensively and systematically through international cooperation based on the Convention and other relevant agreements, in order for Japan to achieve renewed status as a maritime State. Based on the Act, the Headquarters for Ocean Policy, headed by the Prime Minister, was established in the Cabinet and a Minister for Ocean Policy was appointed. With this new Government structure in place, Japan will seriously address the ocean-related challenges it faces in cooperation with the international community.

In July, Japan filed two cases concerning the prompt release of vessels and crews with the International Tribunal for the Law of the Sea. The Tribunal conducted prompt deliberations, and, in one case, both the fishing vessel and its crew were released. Japan highly values the critical role played by the Tribunal in the peaceful settlement of the dispute as well as its contribution to the maintenance and development of the legal framework on ocean affairs. Japan will continue to support the invaluable work of the Tribunal.

Japan welcomes the recommendations by the Commission on the Limits of the Continental Shelf made in April to Brazil and Ireland, which, for the first time, have established the outer limits of the continental shelf beyond 200 nautical miles. In order to accelerate the work of the Commission, to which Japan attaches great importance, Japan contributed \$205,000 in March to the voluntary trust fund for the purpose of defraying the costs of participation for developing States, and will make an additional contribution to the fund before the end of the year.

Japan shares with other States the recognition of the need to strengthen the functioning of the secretariat of the Commission. However, it is Japan's view that, in order to maintain fiscal discipline in the United Nations, such efforts should be made within overall existing budget levels. The increase in the number of days of Commission meetings should be dealt with in the same manner. In this regard, it is regrettable that budgetary implications were attached to some paragraphs of the draft resolution. We also strongly request that the Commission itself make further efforts to increase the efficiency of its work.

The eighth meeting of the Informal Consultative Process on Oceans and the Law of the Sea, in June 2007, was very fruitful in terms of deepening our understanding on marine genetic resources. Since marine genetic resources have great potential, *inter alia*, for the development of medicines, Japan believes that the international community should promote and enhance research activities on marine genetic resources, while bearing in mind the vulnerability of marine biodiversity. Japan considers that marine genetic resources found on the high seas and in the deep seabed are not regulated under the provisions of part XI of the Convention because they are not mineral resources. We hope that next year's second meeting of the Ad Hoc Open-ended Informal Working Group on marine biological diversity beyond areas of national jurisdiction will be productive, with significant discussions on various issues, including marine genetic resources.

Japan recognizes the important role of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (RECAAP), which is the first regional legal framework addressing piracy and armed robbery in Asia. In this connection, we highly appreciate the launch of the activities of the Information Sharing Centre in Singapore, established in November last year under the Agreement; its aim is to strengthen cooperation among maritime security agencies through the establishment of an information exchange and sharing regime on incidents of piracy and armed robbery. Japan is committed to assisting in the realization of safe and secure waters in Asia through the implementation of the Agreement, by contributing to the strengthening of cooperation among the countries concerned and to capacity-building of marine security agencies in the region, as well as through direct assistance to the Information Sharing Centre, such as by providing the first Executive Director of the Centre and extending financial contributions.

In addition, as an outcome of the Singapore meeting on the Straits of Malacca and Singapore: Enhancing safety, security and environmental protection, which was convened by Singapore and the International Maritime Organization (IMO) in September 2007, the so-called Cooperation Mechanism was established. The formation of this framework for international cooperation among littoral States, user States and other stakeholders is a groundbreaking event, insofar as it represents the first realization of cooperation in the establishment and maintenance of navigational and

safety aids in an international strait, as provided in article 43 of the United Nations Convention on the Law of the Sea. Already contributing in diverse ways for the safety of navigation in the Straits of Malacca and Singapore, Japan expressed at the Singapore meeting its strong determination to assist some of the projects proposed by the littoral States. We continue to cooperate proactively to make the Straits of Malacca and Singapore safe and secure, as the waterways' foremost user State.

During this year's informal consultations, 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 draft resolution (A/62/L.27) 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 in practice restrain the right of transit passage of other States. We fully understand that due consideration must be paid to the interests of bordering States; however, 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 in the Convention.

With regard to the paragraph concerning the transport of radioactive materials, Japan regrets that once again the draft resolution does not at all reflect the spirit of cooperation between coastal and shipping States. This issue has been discussed at the International Atomic Energy Agency (IAEA) from the technical and expert points of view, and the dialogue between coastal States and shipping States has been developed in that forum. The relevant recent IAEA resolutions, which were sponsored by both coastal and shipping States, are well balanced in content. Japan is of the opinion that the paragraph on this issue should serve to enhance the cooperation between the two sides, and not encourage confrontation.

As a responsible fishing State and a State party to the Convention on the Law of the Sea and the 1995 Fish Stocks Agreement, Japan is dedicated to promoting sustainable use based on conservation and management of living marine resources, as well as the appropriate protection of marine ecosystems, in cooperation with neighbouring States through bilateral fisheries agreements, the Food and Agricultural Organization of the United Nations (FAO) and regional fisheries management organizations (RFMOs).

Illegal, unreported and unregulated fishing activities and overfishing capacity issues in global fisheries are very serious problems for the sustainable use of living marine resources. There is an urgent need to address this serious problem on a global scale.

In January 2007, Japan held a meeting bringing together for the first time all five tuna RFMOs. At that meeting, a course of action to conserve and manage tuna through cooperation among the five RFMOs was adopted. Furthermore, the consultations regarding the establishment of an international framework for the management of bottom fish in high seas in the area of the North-Western Pacific Ocean is continuing, and we will take responsible action based on this year's draft resolution.

We would also like to stress that the issues of conservation and management, as well as that of the sustainable use of living marine resources, which require specialized expertise and knowledge, should be discussed based on scientific evidence at specialized organizations such as the FAO and the RFMOs, rather than at the United Nations.

In conclusion, I would like to thank the two coordinators of the informal consultations, Ambassador Henrique Valle of Brazil and Ms. Holly Koehler of the United States, as well as all other colleagues who contributed to this year's draft resolutions. I also take this opportunity to express our appreciation to Mr. Václav Mikulka and his staff in the Division for Ocean Affairs and the Law of the Sea for the essential job they are performing.

**Ms. Yang (Palau):** We would like at the outset to associate ourselves with the statement delivered by the representative of Tonga on behalf of the Pacific Islands Forum.

The Pacific is home to some of the world's largest and most important biodiversity hotspots. Our ocean ecosystems are the backbone of Palau's existence, and we are committed to their preservation. In this regard, we have been heartened by the progress made to end unregulated bottom trawling. In last year's sustainable fisheries resolution (resolution 61/105), our nations banded together to protect vulnerable marine ecosystems from deep sea bottom trawling, a destructive fishing practice responsible for 95 per cent of worldwide damage to seamounts. Since its adoption, that resolution has galvanized efforts to eliminate this unsustainable practice. In particular, the South Pacific

Regional Fisheries Management Organization (RFMO) has adopted strong interim measures that ban unregulated bottom trawling. We encourage all other RFMOs and flag States to follow this example and remind them of the deadlines for taking action.

Palau has been vocal in its crusade to end bottom trawling because of its effects on ocean ecosystems. The North Pacific contains a number of the best fisheries in the world, and their survival depends upon the continued health of the marine ecosystems that support them. While these vast ecosystems fall under the jurisdiction of many Pacific States, they are interconnected. The biodiversity they contain stretches across exclusive economic zones, and the threats they face are not confined within territorial boundaries. No individual State could adequately ensure their protection.

Recognizing this, the countries and territories of Micronesia have joined together to create the Micronesia Challenge, a network of marine protected areas that will conserve 30 per cent of the region's near-shore marine resources and 20 per cent of its land resources by 2020. This project is the first of its kind in the world. It covers 6.7 million square miles of ocean and will help protect 10 per cent of the world's coral reefs, including more than 60 threatened species. By linking and integrating domestic efforts, the Micronesia Challenge represents a true ecosystems approach to marine protection. We thank the Assembly for its acknowledgement of this approach and of the Micronesia Challenge itself, as well as for its call for continued international support. We would also like to thank our development partners, especially Turkey, for the support they have given us in achieving the goals of the Challenge.

Eliminating bottom trawling and establishing protected areas are imperative for the continued viability of our oceans. Those actions will be fruitless, however, if rapid progress on climate change cannot be made at the international level. The findings of the Intergovernmental Panel on Climate Change make clear that climate change is having severe negative effects on marine ecosystems, effects which will only worsen if States do not quickly take action on mitigation and adaptation. We are pleased therefore by the Assembly's recognition, in this year's draft resolution on oceans (A/62/L.27), of the current and projected impacts of climate change on the marine environment and its encouragement of enhanced efforts to better understand and reduce those impacts.

With regard to climate change, we place particular importance on paragraph 81 of the draft resolution on oceans and the law of the sea, which recognizes the predicted negative effects of ocean acidification on marine organisms such as coral. The Intergovernmental Panel on Climate Change has projected that by 2070 the progressive acidification of the world's oceans will have significantly eroded and destroyed many coral reef ecosystems. The Panel predicts that, by 2100, large portions of the ocean will be so acidic that they will cease to support cold-water corals altogether. Coral reefs play a vital role in the marine ecosystem and in the economies and food security of many small island and coastal developing States, including Palau. If ocean acidification proceeds as predicted, it will have devastating environmental and human impacts.

We strongly endorse the General Assembly's calls for urgent action on all of these oceans issues. We also urge States to continue addressing these critically important issues in future resolutions. The survival of our oceans and of every country that depends on them rests on our shared commitment to sustainability.

**Ms. Graham** (New Zealand): New Zealand fully supports the statement made by the representative of Tonga on behalf of the Pacific Islands Forum, of which New Zealand is a member.

New Zealand is pleased once again to join in sponsoring both the omnibus oceans draft resolution (A/62/L.27) and the sustainable fisheries draft resolution (A/62/L.24). We have this year tackled an important number of cross-cutting oceans and fisheries issues in the context of those draft resolutions. We commend the coordinators for the able manner in which they conducted our negotiations, and the Division for Ocean Affairs and the Law of the Sea for its helpful assistance. We welcome also the new States parties to the Convention and the reinforcement they provide to the pre-eminent status of the Convention in ocean affairs and the law of the sea.

We continue to value the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which has delivered significant value to the General Assembly over the last seven years. Under its auspices, we have considered a wide range of important issues, such as the protection of the marine environment and vulnerable marine ecosystems, capacity-building, regional cooperation and coordination, the conservation and management of marine diversity

in areas beyond national jurisdiction, safety of navigation, fisheries and sustainable development, and marine genetic resources. New Zealand stands ready to support the Process in the future, and we look forward to next year's discussions on maritime security and safety.

A major issue for the 2008 oceans agenda is the challenge of conserving and managing marine biodiversity in areas beyond national jurisdiction. New Zealand strongly supports the role of the United Nations in considering this topic within the framework of the United Nations Convention on the Law of the Sea. We welcome the reconvening of the Ad Hoc Open-ended Informal Working Group in 2008. In pursuing further work, we believe it is essential to identify and address any governance gaps and to improve the implementation of existing obligations where necessary.

New Zealand was pleased to make its submission in 2006 to the Commission on the Limits of the Continental Shelf. We fully recognize the need for the Commission's processes to operate efficiently and effectively, and strongly support the call to strengthen the Division for Ocean Affairs and the Law of the Sea and enhance its technical support to the Commission. Preparing our submission has been a significant learning process, and we have been pleased to be able to share the knowledge we have gained with other States preparing their own submissions.

We welcome the greater responsiveness of the draft oceans resolution to the significant and growing concerns relating to climate change and ocean acidification. New Zealand acknowledges the flexibility shown by delegations to reach consensus on this new text. It is an important issue for our oceans and fisheries, and we look forward to building on the statements and undertakings contained in this year's draft resolution.

New Zealand strongly supports the 1995 Fish Stocks Agreement and its implementation. We consider this essential to the sustainable conservation and management of global fish stocks. We encourage States to continue to take full account of the consensus outcomes agreed upon at the Review Conference in 2006. Those outcomes promote the Agreement's effectiveness and its goals, and the international law of the sea more generally.

As events over the past few years have shown, the General Assembly can play an important role in

encouraging the development and implementation of necessary conservation and management measures by regional fisheries management organizations (RFMOs). We strongly supported the inclusion in last year's sustainable fisheries resolution (resolution 61/105) of measures to reduce the impacts of bottom fishing on vulnerable marine ecosystems. We welcome the fact that this year's draft resolution (A/62/L.24) calls for the full implementation of the Food and Agriculture Organization International Plan of Action for the Conservation and Management of Sharks, and for States to improve implementation of and compliance with existing RFMOs or national measures.

We would prefer, of course, that RFMOs themselves moved to adopt and implement these kinds of measures without prompting by the General Assembly. But given the uneven performance of RFMOs, it is useful that the General Assembly can provide direction and encouragement to RFMOs to improve their performance. For similar reasons, it is important that work continue on developing a harmonized approach to reviewing their performance.

New Zealand looks forward to the conclusion of the negotiations to establish a South Pacific RFMO. Good progress has been made in the four rounds of negotiations that have been held to date, and we hope that this will be continued at the next round, to be held in Ecuador in March 2008. We were very pleased by the agreement reached in Chile earlier this year on interim measures to limit pelagic fishing and to limit the impacts of bottom fishing, consistent with resolution 61/105. These measures should facilitate the negotiation of an agreement to establish the South Pacific RFMO and should also help to ensure that fishing is conducted responsibly, pending the adoption and entry into force of the new agreement.

In a similar vein, we fully support the draft sustainable fisheries resolution's encouragement of States to exercise voluntary restraint of fishing effort levels in areas coming under the regulation of future RFMOs. This approach is required until adequate regional conservation and management measures are adopted and implemented, taking into account the long-term conservation, management and sustainable use of the relevant fish stocks.

New Zealand has a significant and ongoing concern with the negative impacts of illegal, unregulated and unreported (IUU) fishing. It undermines the

conservation and management measures adopted by RFMOs and, ultimately, the sustainability of fish stocks. We are pleased that the draft sustainable fisheries resolution contains useful new elements in the sections on IUU fishing and on subregional and regional cooperation, which we hope will contribute to better compliance by fishing vessels. Given our ongoing concern, we are supportive of IUU fishing being considered further, for example, in the context of the Informal Consultative Process.

Finally, New Zealand wishes to thank the Secretary-General for his reports, which are, as always, comprehensive and of great assistance to delegations and the wider oceans constituency.

**Mrs. Lyubalina** (Russian Federation) (*spoke in Russian*): We express our appreciation to the Secretary-General for his reports to the General Assembly on sea issues. The Russian Federation traditionally devotes priority attention to sea issues relating to the rights and obligations of States under the fundamental international legal documents in this area, in particular the United Nations Convention on the Law of the Sea of 1982. We call for States that have not yet done so to become parties to the Convention.

The Russian delegation advocates preserving the integrity of the United Nations Convention on the Law of the Sea, and comprehensively strengthening and appropriately implementing its provisions. It is our view that the activities of States in the world's oceans should be carried out in strict compliance with the Convention's norms. This relates in particular to freedom of the high seas, the right of States to transit passage through straits used for international navigation, the right to peaceful archipelagic passage, rights related to fishing on the high seas and other provisions of the Convention.

Fishing in those parts of the high seas where there are regional fisheries management organizations (RFMOs) should be carried out in accordance with the rules and standards agreed upon and adopted in the framework of those organizations by their member States. In those cases where an RFMO has not yet been established, States that have taken temporary measures to regulate fishing in the region falling within the competence of the future organization should take the necessary efforts to duly implement such measures. The adoption of specific measures should be based on



scientific information on the situation with respect to various types of fish stocks.

The issue of States voluntarily curbing their fishing efforts before the adoption of temporary measures must also be resolved for each region of the world's oceans, based on data on specific stocks. We call upon States to cooperate in order to create RFMOs and enhance the effectiveness of existing ones. Here, we emphasize the importance of efforts to create such organizations in the North and South Pacific Ocean, and we confirm Russia's interest in continuing its participation in those efforts.

In this context, we again draw attention to the paramount importance of the 1995 Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. We welcome the increase in the number of States parties and call upon other States to consider acceding to the Agreement.

We are pleased to note the productive work of the bodies created in accordance with the 1982 Convention: the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf. They are all effectively carrying out their mandates, the scope of which is outlined in the Convention.

In this connection, we believe that it would be excessive to entrust to the International Seabed Authority additional functions in protecting the biological resources of the Area. It is our view that the Convention's regime for the resources of the high seas of the Area encompasses solid, liquid and gaseous mineral resources, including polymetallic nodules, in the Area at the seabed or in its subsoil.

We consider the work of the Commission on the Limits of the Continental Shelf to be very important. We advocate providing it with the appropriate resources, with a view to the uninterrupted and effective implementation of its mandate. We call for stepped up efforts to bring about more active cooperation between the Commission and States that have made submissions to establish the outer limit of their continental shelf beyond 200 nautical miles.

We draw attention to the important role of the International Tribunal for the Law of the Sea in the settlement of disputes having to do with the interpretation or application of the 1982 Convention.

In connection with the upcoming annual Meeting of States Parties to the United Nations Convention on the Law of the Sea of 1982, we would like to stress the importance of preserving the current mandate of this forum, which is focused on resolving administrative and budgetary issues relating to the functioning of bodies created in accordance with the Convention. During the 2008 Meeting, we will be electing judges for the International Tribunal for the Law of the Sea. We will also face important tasks related to ensuring the effective functioning of the Commission on the Limits of the Continental Shelf. We consider the eighth meeting of the United Nations Informal Consultative Process on the law of the sea, which took place in 2007, to have been very useful; it helped us to learn more about types of resources that have not been thoroughly studied, such as marine genetic resources. We believe that further discussion of this theme in the framework of the 2008 meetings of 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 will enable us to expand our knowledge of both the resources and their use. We welcome the decision to discuss the theme of maritime security at the ninth meeting of the Informal Consultative Process. We consider the Process to be an important forum for considering timely issues having to do with the world's oceans. We believe that, at a future session of the General Assembly, the Tribunal's mandate should be renewed for an additional three-year period.

The Russian Federation supports the draft resolutions on the law of the sea submitted to the General Assembly at the sixty-second session. Nevertheless, we would like to express our delegation's concern at the unjustified increase in the scope of the omnibus draft resolution on the law of the sea (A/62/L.27). We believe that its many provisions will cause us to lose sight of the document's essential goal: to create optimal conditions for effective use of the world's oceans. We urge that, in future negotiations on draft resolutions on the law of the sea, States focus on fundamental oceans issues rather than packing documents with narrow and specialized provisions drawn from the documents of other organizations.

In conclusion, we wish to express our appreciation to the coordinators of the informal consultations, Ms. Holly Koehler, Ambassador Henrique Rodrigues Valle Junior and Mr. Carlos Perez, and to Mr. Václav

Mikulka, Director of the Division for Ocean Affairs and the Law of the Sea and his staff for their excellent work on the draft resolutions on sustainable fisheries and on the law of the sea.

**Mr. Davide** (Philippines): First of all, my delegation commends Mr. Srgjan Kerim, President of the General Assembly, for convening this meeting to consider the reports of the Secretary-General on oceans and the law of the sea (A/62/66 and Add.1 and Add.2) and on sustainable fisheries (A/62/260) and to deliberate and take action on draft resolutions A/62/L.27 and A/62/L.24.

My delegation is tremendously encouraged by the importance that the General Assembly continues to accord the issue of oceans and the law of the sea. We note with appreciation and welcome the report of the Secretary-General on oceans and the law of the sea, as it records, in as clear and concise a manner as possible, all our efforts related to oceans and the law of the sea and the important developments in that area.

As we mark the twenty-fifth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea, it is even more auspicious that today the General Assembly will take action on these two draft resolutions, which are based on the implementation of the Convention. The draft resolutions attest to the continued interest of Member States in the oceans and their resources.

The United Nations Convention on the Law of the Sea has, quite rightly, been heralded as the constitution of the oceans, for it establishes a legal framework that governs all aspects of ocean use and development. As a carefully balanced document of rights and obligations, it establishes a legal order that guarantees and safeguards the exercise of those rights and the observance and fulfilment of those obligations, through the creation of appropriate institutions.

As an archipelago with 7,107 islands and as a maritime nation that relies as heavily on the oceans and their vast resources as on its inland natural wealth and resources for its economic growth, development and progress, the Philippines attaches the utmost importance to a just, fair, equitable, rational and orderly legal regime for our seas and oceans.

The Philippines is closely following the continuing development of international law relating to ocean use and jurisdiction through the rulings and decisions of

the International Tribunal for the Law of the Sea. We also await with keen interest the decisions of the Commission on the Limits of the Continental Shelf affecting the Area, as well as the work of the International Seabed Authority. We look forward with much hope to the eighteenth Meeting of States Parties to the Convention, to be held next year, because of the promise that it holds for a meaningful discussion, involving States parties as well as observers, on issues related to the law of the sea. Undoubtedly, progress at the Meeting will demonstrate the readiness of States parties to assume a new — and definitely more challenging — role in the universal application and, if necessary, interpretation of the Convention on the Law of the Sea.

The report of the Secretary-General highlights the increasing cooperative and cross-cutting activities, spanning all regions and all sectors, in the areas of marine scientific research, marine environmental protection, search and rescue at sea and combating piracy and other maritime crimes. Those activities are solid proof of States parties' full awareness of the impact of the application of the governing principle, expressed in the third preambular paragraph of the Convention, that the problems of ocean space are closely interrelated and need to be considered as a whole.

Despite all the efforts at cooperation, problems still exist. Marine pollution and destructive fishing methods continue to threaten the fragile ocean environment, piracy remains a threat to the safety of navigation, and other maritime crimes remain a serious threat to our security. The oceans, and even the application and development of international norms and conventions, including the Convention on the Law of the Sea, endlessly and continuously challenge all nations to govern their uses and the management of their resources and environment. The Philippines thus welcomes next year's convening of 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. We express high hopes that the meeting will be a forum that can provide more meaningful guidance on the legal regime to govern those resources.

As a country that has always had keen interest in and deep concern about the oceans and their resources, the Philippines looks forward to the adoption of the two draft resolutions under consideration, because of

the promise that they hold for the maintenance of the legal order for the oceans and its resources.

**Mr. Shin Sungsoon** (Republic of Korea): My delegation thanks the Secretary-General for his comprehensive reports on oceans and the law of the sea and on sustainable fisheries. We also commend the two coordinators, Ambassador Henrique Rodrigues Valle Junior of Brazil and Ms. Holly Koehler of the United States, for their excellent work in bringing the two draft resolutions (A/62/L.27 and A/62/L.24) before us.

Today, the United Nations Convention on the Law of the Sea is widely accepted by the international community. The number of parties to the Convention stands at 155, while the number of parties to the Agreement relating to the implementation of part XI of the Convention is 131. 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 equitable approach to the sustainable management and conservation of the oceans and their resources, in accordance with the letter and spirit of 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 played important roles. The Republic of Korea has demonstrated its commitment to the Convention by actively participating in the work of those organizations.

The oceans and seas are invaluable to the welfare of humanity, providing living and non-living marine resources and vital avenues of transportation. However, the world continues to be troubled by piracy and the degradation of marine resources. Maritime safety and security are a serious concern for many seafaring States. In that context, the Republic of Korea is pleased to note that the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea will focus its discussion on maritime security and safety in 2008.

As one of the leading maritime countries, the Republic of Korea believes that the right of passage should be upheld by State practice. 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 measure that is inconsistent with it.

I would like to touch upon the issue of marine biological diversity beyond the boundaries of national jurisdiction. The Republic of Korea places great importance on the conservation and sustainable use of marine biodiversity. We hope that future discussion of that issue will take place within the framework of UNCLOS and the Convention on Biological Diversity, balancing the protection of marine ecosystems with the sustainable use of marine biodiversity.

As a responsible fishing State and as a State party to UNCLOS, the Republic of Korea is seriously concerned by illegal, unregulated and unreported (IUU) fishing. IUU fishing remains one of the greatest threats to marine ecosystems, and its 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 take effective measures to prevent, deter and eliminate IUU fishing activities.

The Republic of Korea also hopes that the international community will adopt and implement measures for the protection of vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold-water corals. In that regard, we would like to stress the important roles to be played by the Food and Agriculture Organization of the United Nations and regional fisheries management organizations in finding solutions to those challenges.

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

**Mr. Abdul Azeez** (Sri Lanka): The delegation of Sri Lanka is pleased to co-sponsor draft resolution A/62/L.27 under agenda item 77 (a), "Oceans and the law of the sea". We do so with pride as a country which has contributed substantially during all the stages of the negotiation of the Third United Nations Conference on the Law of the Sea, as well as subsequent deliberations on law of the sea issues. Sri Lanka's commitment to advancing the regime established under the United Nations Convention on the Law of the Sea

continues unchanged even 25 years after it was adopted.

The delicate balance that was achieved in the Convention continues to be reflected in both the deliberations of the Meetings of the States Parties, as well as in the consensus approach to the negotiation of the draft resolutions of the General Assembly since the entry into force of the Convention in 1994. Global developments, in particular environmental imperatives and demands for resource exploitation, have had considerable impact on the shaping of international law owing to the challenges they have presented, as well as the technological advances made. Yet, the diversity of interests incorporated in the Convention remains a viable, judicious mixture, giving all States parties important stakes in the law of the sea.

The draft resolution in document A/62/L.27 provides an omnibus text covering multifaceted issues in the law of the sea. It has become a complex, technical and, in some ways, interpretative instrument. Over the years, the annual resolution has seen the progressive evolution of some conceptual ideas into norms and standards through a continuous process of refinement and clarification. Changing times have brought in their wake new needs and requirements, including, most recently, the consideration of the regime applicable to marine genetic resources.

Heir to a rich biological diversity, Sri Lanka attaches great importance to the need for advancing understanding and cooperation on the utilization and protection of marine genetic resources. We firmly believe that the Convention on Biological Diversity is built on the concept of equitable benefit-sharing, and the delegation of Sri Lanka would continue to underscore the complementarity of the Convention on Biological Diversity in that important area.

Coastal States have sovereign rights, as appropriate, with respect to resources, including marine genetic resources and all related activities, in areas within national jurisdiction. The legal regime on marine genetic resources in areas beyond national jurisdiction must be in accordance with the principles of international law, in particular the Convention. Sri Lanka considers important the compromise reached on the protection and use of marine genetic resources in the draft resolution, although that text does not address all the concerns of developing countries adequately.

The very nature of the Convention as a living instrument, as well as its emphasis on enhancing international cooperation to realize its benefits for all, provides the flexibility and opportunity to advance that objective. In that respect, the 1995 Fish Stocks Agreement provides the much-needed complementarity to the main Convention.

*Mr. Abdelaziz (Egypt), Vice-President, took the Chair.*

The draft resolution on sustainable fisheries in document A/62/L.24, among other important things, draws attention to the role of fisheries management organizations, as well as to the capacity-building needs of developing countries, including in the area of management and development of scientific data. The recent conclusions in the end-of-year report of the Deep Sea Conservation Coalition reveals that the majority of fisheries treaty organizations are failing to take urgent actions called for by the General Assembly in 2006 to protect deep-sea species and ecosystems. It is alarming to note that the Indian Ocean is considered to be the most threatened, since the high-seas fishing nations have failed to adopt any measures to regulate bottom fishing in the international waters of the region.

The draft resolution was finalized after lengthy negotiations as the differing interests of many States parties needed to be reconciled. It is important that it be implemented to contribute effectively to the conservation and management of fish stocks.

Sri Lanka continues to maintain stakes in many areas covered by both draft resolutions. We were actively involved in all stages of the informal consultations leading to the formulation of the draft resolution contained in document A/62/L.27. Of particular and immediate interest to us is the issue of States realizing the economic benefits of the resource regime under national jurisdiction established by the Convention. We are pleased to note that, as called for in paragraph 86 of resolution 61/222, some States parties have provided information on measures that can be taken by coastal developing countries to exploit the resources and uses of the oceans and to thereby realize the benefits of ocean resource exploitation within national jurisdiction.

The draft resolution before us reiterates the importance of continuing the communication and consultation between the Secretary-General and States parties, as well as drawing upon information to be

provided by international aid agencies and donor countries. All those inputs will be taken into account by the Secretary-General in preparing the study for presentation to the General Assembly at its sixty-third session.

In that respect, we would urge that additional inputs be provided and hope that more will be forthcoming. That would make it possible for the study to bring out varied aspects and experiences of uses of the seas and the potential exploitation of ocean resources within national jurisdiction. They would be indicative of possible partnership arrangements and means by which to attract the infusion of capital and the provision of technical expertise to assist developing countries in that regard.

One of the areas in which the Convention has achieved a delicate balance relates to regulating international navigation by coastal States bordering straits. Under the Convention, the measures regulated and practices introduced by coastal States should not have discriminatory restrictive effect on the international navigation or on transit passage of foreign ships using such straits. Sri Lanka would call for the review of all such restrictive regulations and practices, such as compulsory pilotage, which violate both the letter and the spirit of the Convention.

Another area of interest to Sri Lanka is the mandate and scope of work of the Commission on the Limits of the Continental Shelf. Sri Lanka has already completed its seismic survey and is currently in the process of analysing scientific data with a view to preparing its claim for submission to the Commission before May 2009. However, we are mindful that countries at varying stages of development may not be fully able to complete their work early enough to make timely submissions. It is also necessary to increase the capacity of the Division for Ocean Affairs and the Law of the Sea to effectively service the Commission and to carry out and complement the capacity-building activities and training courses executed by the Division that are most important to developing countries. We believe that the draft resolution before us takes those concerns adequately into account.

Let me take this opportunity to thank all the delegations, as well as the Division for Ocean Affairs and the Law of the Sea, for their understanding and support, which enabled us to make forward movement in the negotiations and finalization of the draft

resolutions. We hope that the same spirit of flexibility and compromise will continue to characterize our efforts aimed at advancing the interests of the law of the sea in the future as well.

**Mr. Nworgu (Nigeria):** The Nigerian delegation thanks the Secretary-General for his report in document A/62/66/Add.I, which provides an overview of developments relating to the implementation of the United Nations Convention on the Law of the Sea. We also thank the facilitators of the two draft resolutions under this agenda item for their commendable work. The cooperative spirit exhibited by States parties during the negotiation of the two draft resolutions is also commendable.

The year 2007 marks 25 years since the opening for signature of the United Nations Convention on the Law of the Sea. Today, with 155 States parties, that constitution of the oceans can be said to have attained universal acceptance. Nothing, therefore, should be done to detract from the importance which the international community attaches to that crucial Convention. Indeed, it should be strengthened and emboldened through complete adherence to the Convention's provisions. The need for adherence to the Convention also includes provisions regarding the principle of freedom of navigation and the rights of innocent passage and transit passage.

Article 42 of the Convention provides that laws and regulations adopted by States bordering straits should not "have the practical effect of denying, hampering or impairing the right of transit passage". That is pertinent in order not to threaten the delicate balance in the Convention between the interests of coastal States and the interests of user States in straits used for international navigation. Port States should also exercise their sovereignty in relation to the management of their ports in a manner that is non-discriminatory and consistent with the Convention and other relevant international law. In that way, the sanctity of the Convention will be preserved.

My delegation considers the foregoing as critical in view of the fact that 85 to 90 per cent of global trade is conducted using the oceans. That is why we have been consistent in calling for respect for and adherence to the Convention. It also underscores the urgent need for the consideration of the safety and security of the oceans. In that connection, my delegation is pleased that the topic for the United Nations Open-ended

Informal Consultative Process on Oceans and the Law of the Sea meeting in 2008 will be “Maritime security and safety”. We are also happy that the international community is actively engaged in combating acts of piracy and armed robbery against ships. A concerted effort is necessary in order to effectively tackle that and other problems, including environmental degradation of the oceans and seas, climate change and so on.

In conclusion, my delegation reiterates its call for adherence to the provisions of the United Nations Convention on the Law of the Sea. We encourage States not yet members to join. We ourselves will continue to cooperate with other States parties in that regard.

**The Acting President:** In accordance with General Assembly resolution 35/2 of 13 October 1980, I now call on the observer of the Asian-African Legal Consultative Organization.

**Mr. Bhagwat-Singh** (Asian-African Legal Consultative Organization): The Asian-African Legal Consultative Organization (AALCO) has for many decades been involved in the development and codification of the law of the sea and has served to foster international cooperation on ocean matters. AALCO is pleased to make its statement on the two draft resolutions on oceans and the law of the sea and sustainable fisheries, and would like to commend the Secretary-General on his comprehensive reports on the law of the sea and his report on sustainable fisheries.

My organization views the oceans as a critical element in the global ecosystem, providing humanity with countless vital resources and serving as a key element in the stable regulation of climate. While the United Nations Convention on the Law of the Sea has addressed many difficulties and challenges over the past 25 years, today the oceans are confronted with one of the greatest challenges we have yet to face — the disruption of the global climate on unprecedented scales.

In order to address the serious effects of climate change on the oceans, States may wish to consider the following three types of measures: first, the development of new systems for integrated coastal-zone management policies through national legislation and the effective implementation of those policies on the national level to ensure that fish stocks are replenished; the provision to developing island and coastal States of the necessary funds, through the relevant trust funds, in order to mitigate the effects of global climate change, such as sea-level rise, increased cyclone effects and incidents

of extreme sea levels; and thirdly, the implementation of the Intergovernmental Panel on Climate Change’s recommendations for the mitigation of global climate change, using the agreed upon methods of Agenda 21 as the means of implementation.

States are and should be implementing integrated coastal-zone management policies through national legislation in order to provide for the protection of the marine environment and the rejuvenation and sustainable use of fish stocks. The General Assembly laid out both research and management recommendations for policies and activities relating to the marine environment, and States may use those guidelines when developing such national legislation. Today, in light of the anticipated effects of climate change, integrated coastal-zone management must also be reviewed to take such changes into account. In addition, States with already developed coastal management should undergo review of those policies to address such anticipated effects in their region.

Article 76 of the Convention calls for the Trust Fund, as established by the General Assembly in resolution 55/7, to assist developing countries in the preparation of submissions to the Commission. Although the Trust Fund is voluntary, States parties should consider providing appropriate funding to those States without enough resources to dedicate towards those efforts on their own.

As the States that are particularly vulnerable to the effects of climate change are those which are the least equipped to deal with the negative effects, developed States should act responsibly to assist those developing States in the creation and implementation of such mechanisms, be they financial or otherwise, to ensure the protection of the marine environment.

States should also cooperate to develop observation, forecasting and warning programmes to address the likely effects of climate change. States should also, with the particular cooperation of developing coastal and island countries, create programmes for training and technical assistance with a view towards mitigation of climate change. While there has been progress in marine protection, States will need to do more to adapt to and mitigate the effects of climate change. That should be done with increasing efforts towards cooperation and coordination at all levels.

Today, States have ample opportunities to further the sustainable stewardship and protection of the

oceans. To those ends, my organization will assist to further those goals and looks forward to the adoption of the draft resolutions on oceans and the law of the sea and sustainable fisheries. A fuller version of this statement will be distributed electronically to all missions.

**The Acting President:** In accordance with General Assembly resolution 54/195 of 17 December 1999, I now call on the observer for the International Union for the Conservation of Nature and Natural Resources.

**Mr. Cohen** (International Union for the Conservation of Nature and Natural Resources): The International Union for the Conservation of Nature and Natural Resources (IUCN) congratulates States on the occasion of the twenty-fifth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea.

IUCN recognizes that the Convention provides the overarching legal framework for ocean governance, including the conservation and management of living resources and the protection and preservation of the marine environment. While the Convention provides the framework, other instruments and agreements provide complementary global rules and standards for specific marine activities. Recognizing and appreciating the progress to date in implementing the rights and obligations as reflected in the Convention, my delegation remains of the view that more can and must be done to implement fully its provisions to better protect and preserve the marine environment.

A healthy world depends on healthy oceans. The current greatest threat to the marine environment and to marine ecosystems derives from poorly regulated fishing. We have tools to address that threat. However, we must use those tools in a more efficient manner to reduce fishing capacity and to counter illegal, unregulated and unreported (IUU) and other unsustainable fishing activities.

Fisheries are changing. We now catch larger numbers of smaller fish and more of stocks that were of little or no commercial interest in an earlier time. We are doing that because large, high-value and highly sought stocks — for example tuna, cod, orange roughy and others — are in decline. Sharks are also more highly targeted in today's fisheries. Given their life history, sharks are more vulnerable to depletion than many other stocks. Sharks now represent the greatest percentage of threatened marine species on the IUCN

red list of threatened species, and scientists advise that some stocks have declined by 90 per cent of the estimated original biomass. IUCN is concerned by that trend, as it affects not only shark species, but also broader ecosystem functions. Most shark species are at the top of the marine food chain; their presence regulates the web of interdependent ocean life. Without them, that web — that balance — is disturbed.

Because sharks were formerly of little commercial value, fisheries managers and regional fisheries management organizations paid little attention to them. We lack important basic information to manage sustainably those growing fisheries. That must change. IUCN urges States to conduct assessments of the fisheries in which sharks are taken and to develop national plans of action for their conservation and sustainable use. We note with great concern the slow progress at the national level in the implementation of the International Plan of Action for the Conservation and Management of Sharks of the Food and Agriculture Organization of the United Nations (FAO), and in particular the lack of action by some major shark-fishing countries. IUCN urges States, through regional fisheries management organizations, to take on a greater responsibility for ensuring that the principles in the International Plan of Action for Sharks are fully implemented.

My delegation believes that a failure to control effectively the practice of shark-finning represents a lost opportunity to achieve the sustainable use of a valuable and highly vulnerable fishery resource. We urge States and regional fisheries management organizations that have not done so to introduce finning ban regulations. In the cases where such regulations are in place, we are concerned that some of the control mechanisms for their implementation may become an implicit permit to fin and discard a proportion of the sharks caught. For that reason, my delegation strongly recommends that finning regulations require that sharks be landed with their fins naturally attached, wherever feasible. In instances where it is demonstrated not to be feasible, States and regional fisheries management organizations should require that procedures be implemented to allow for the matching of fin sets and their related shark trunks.

Currently, international management arrangements for ocean resources are often ad hoc and incomplete, based on overlapping management schemes for individual species rather than for the ecosystem as a

whole. It is time for States to cooperate to strengthen existing regional fisheries management organizations and to promote an ecosystem approach to fisheries management and the application of the precautionary principle.

As we move towards ecosystem management, we need to pay attention to the impact of fishing and its relationship to habitats and ecosystems. To better manage fish stocks and fishing, my delegation welcomes steps taken pursuant to resolution 61/105 to protect areas where vulnerable marine ecosystems are known or likely to occur based on the best available scientific information. My delegation welcomes measures to close such areas to bottom fishing unless conservation and management measures are in place to prevent significant adverse impacts on those vulnerable areas. In many regions, there is still much more to be done, and we look forward to continued progress. We also look forward to the adoption through the FAO of the draft international guidelines for the management of deep-sea fisheries, and hope that those maintain a robust and precautionary approach to deep-sea fisheries management and the protection of vulnerable marine ecosystems.

Within the FAO, we welcome work towards the adoption of an instrument providing for minimum standards of port State measures to better enforce fisheries conservation measures. We also welcome the decision within FAO to consider the development of a global register of fishing vessels to better monitor, control and counter IUU fishing.

My delegation believes that the management of marine ecosystems must address the needs of global market forces. We have witnessed important efforts in improving international and regional cooperation and bringing about synergies between traditional fisheries management measures and trade regulation instruments. While the membership of RFMOs is often limited, other international instruments — the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) for example — have wider memberships and provide a mechanism to incorporate legally binding measures to ensure that trade in marine products is based on sustainable harvests.

Although the current greatest threat today to the health of the oceans is unsustainable fishing, increasingly it will be climate change. In order to build resilience into ocean ecosystems, we must take steps

now. These include the establishment of networks of marine protected areas, in areas both subject to national jurisdiction and beyond. For areas beyond national jurisdiction, States, working through RFMOs, should consider and establish marine reserves under these frameworks. Some areas may be closed to fishing at all times, for example where there are particularly vulnerable ecosystems or depleted fish stocks. Others may be closed during certain times, for example during seasonal aggregations of marine species, which often provide an indication of a critical habitat. For areas where there are special values to be protected or conserved, States should work through the International Maritime Organization to establish Special Areas and/or Particularly Sensitive Sea Areas.

At the same time, proposals to mitigate or reduce carbon dioxide build-up in the atmosphere by transferring it to the ocean must be strictly examined in line with the aims of the Convention and of the London Convention and the London Protocol to ensure that these proposed activities do not harm the marine environment. As all States have rights and obligations under the Convention on the Law of the Sea, no State should allow such activities by its vessels or its citizens without first considering the potential effects of such activities on the ocean and how they might impinge on the rights of others to pursue their legitimate uses of the sea, consistent with the precautionary approach.

Before the commercialization of such operations is allowed to proceed, including through the sale or trade of voluntary offsets, States should ensure, individually or collectively, through the London Convention and the London Protocol, that the benefits, if any, of ocean fertilization to the mitigation of climate change outweigh the risks, and that real, measurable, long-term carbon dioxide sequestration takes place and can be independently verified and regulated.

My delegation participated in this year's discussion at the United Nations Informal Consultative Process on Oceans and Law of the Sea, which focused on marine genetic resources. The meeting was a great success in that scientists and experts were able to present information on marine genetic resources, their uses and their potential benefits to humankind that will be useful in further addressing this important issue.

We welcome the decision to have a meeting during the coming year of the Ad Hoc Open-ended Informal Working Group on marine biological diversity



in areas beyond national jurisdiction. My delegation, mindful of the Consultative Process discussions last June, is aware that there is a range of views on marine biodiversity in areas beyond national jurisdiction. Although these discussions may continue for some time, the condition of the world's oceans continues to deteriorate. Urgent action is thus needed to improve the situation.

My delegation urges all States, individually and jointly, as appropriate, to put into practice decisive steps to improve our understanding of the oceans, their health, their value and their vulnerabilities. States should take immediate measures to regulate the actions of their nationals on the high seas and to monitor their compliance with applicable laws and regulations. Indeed, they have a duty to do so in order to ensure that the actions of those subject to their jurisdiction respect the rights of others to legitimate uses of the sea.

Drawing from examples already extant in regional and national practice, States should require that their nationals provide them with prior notification of all activities planned in the high seas. Such notification could be in the form of a simple posting on a national website. A second step would be the application of a prior environmental impact assessment procedure. A third step would be to set up a mechanism for monitoring and reporting on activities in the high seas in an appropriate manner. For example, current reporting requirements may suffice with respect to fisheries. With respect to scientific research, such reporting would reflect obligations contained in part XIII of the Convention. A final step would address capacity-building, which could include joint ventures for expensive and technically demanding scientific research open to qualified researchers and students from many countries, and notably from those in the developing world.

In closing, I note that these practical steps might be implemented nationally in the first instance and could be applied to a variety of activities in the high seas on a cross-sectoral basis. They could also serve as a basis for an international instrument to assist countries with their rights and obligations to better manage the natural environment and the resources of the high seas.

**The Acting President:** We have heard the last speaker in the debate on agenda item 77 and its sub-items (a) and (b).

I should like to inform members that action on draft resolution A/62/L.27 is postponed to a later date to allow time for the review of its programme budget implications by the Fifth Committee. The Assembly will take action on the draft resolution as soon as the report of the Fifth Committee on its programme budget implications is available.

We shall now proceed to consider draft resolution A/62/L.24. Before giving the floor to the representative of the Bolivarian Republic of Venezuela, who wishes to speak in explanation of position on the draft resolution, I remind delegations that explanations of vote or position are limited to 10 minutes and should be made by delegations from their seats.

**Ms. Rodríguez de Ortiz** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The delegation of the Bolivarian Republic of Venezuela would like to refer to draft resolution A/62/L.24, 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".

The delegation of the Bolivarian Republic of Venezuela stresses that the question of sustainable fisheries is a priority area for our country, and one in which a number of major initiatives have been taken in order to promote and sustain programmes to conserve, protect and manage aquatic biological resources, within the national norms established specifically through our law on aquaculture and fisheries. In applying the provisions of that law, the Bolivarian Republic of Venezuela has made every effort to harmonize its legal framework with the criteria applied in this area by countries of the region, in particular with regard to the management of highly migratory marine living organisms and of aquatic biological resources that are found both in the waters under our sovereignty and jurisdiction and in areas adjacent to them.

The Bolivarian Republic of Venezuela is not party to the United Nations Convention on the Law of the Sea, including the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Nor are the norms of those international instruments applicable to

it under customary international law, except for those that the Bolivarian Republic of Venezuela has explicitly recognized or will recognize in the future through their incorporation into domestic legislation, since the reasons that kept us from ratifying these instruments have remained over time. Thus, my delegation will not stand in the way of consensus on the draft resolution on sustainable fisheries which is before the Assembly.

Nevertheless, we reiterate our historical position regarding the United Nations Convention on the Law of the Sea and its related agreements, which have led us to make a specific reservation regarding the provisions of the draft resolution.

**The Acting President:** The Assembly will now take a decision on draft resolution A/62/L.24, 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”. Since the introduction of the draft resolution, the following countries have become sponsors: Australia, Austria, Belize, Brazil, Cyprus, Denmark, the Gambia, Germany, Kenya, Latvia, Malta, the Federated States of Micronesia, Namibia, New Zealand, Norway, Palau, Portugal, Sierra Leone, Tonga, Ukraine and the United Kingdom of Great Britain and Northern Ireland.

May I take it that the Assembly decides to adopt draft resolution A/62/L.24?

*Draft resolution A/62/L.24 was adopted (resolution 62/177).*

**The Acting President:** I shall now call on those representatives who wish to speak in explanation of position on the resolution just adopted. May I remind delegations that explanations of vote or position are limited to 10 minutes and should be made by delegations from their seats.

**Mrs. Seçkin (Turkey):** I have taken the floor to speak in explanation of position on the resolution just adopted on sustainable fisheries, contained in document A/62/L.24, under sub-item (b) of agenda item 77. At the outset, I would like to state that Turkey is fully committed to the protection, conservation, management and sustainable use of marine living resources and attaches great importance to regional

cooperation to that end. In that regard, Turkey supports the resolution. However, we dissociate ourselves from the references made in the resolution to international instruments to which we are not a party. Therefore, those references should not be interpreted as a change in Turkey’s legal position with regard to those instruments.

**Mr. Malpede (Argentina) (spoke in Spanish):** Argentina joined the consensus on draft resolution A/62/L.24, on sustainable fisheries, which has just been adopted. However, I wish to reiterate that none of the recommendations set out in the resolution can be interpreted as meaning that the provisions of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments, adopted in New York in 1995, can be considered to be obligatory for States that have not expressly consented to be bound by that treaty.

**The Acting President:** We have heard the last speaker in explanation of position.

I shall now call on those representatives who wish to speak in exercise of the right of reply. May I remind members that, in accordance with General Assembly decision 34/401, statements in exercise of the right of reply are limited to 10 minutes and should be made by delegations from their seats.

**Mr. Hill (Australia):** In response to the national statement made by representative of Singapore under this agenda item on 10 December (see A/62/PV.65), Australia would like to express its views on the laws applying to transit passage in international straits. Paragraph 72 of draft resolution A/62/L.27, on oceans and the law of the sea, refers to, inter alia, the need to ensure safety of navigation and the rights of transit passage.

Last year, Australia enacted measures designed to ensure the safety of navigation and the protection of sensitive sea areas, including the environmentally fragile Torres Strait. As explained previously in relevant forums, those measures are necessary in order to facilitate safe and expeditious passage through what are treacherous and narrow waters, and they were adopted in a manner entirely consistent with international law, including the Convention.

Australia unequivocally rebuts the assertion that its system of pilotage in the Torres Strait has the practical effect of denying, hampering or impairing the right of transit passage. On the contrary, the system of pilotage promotes transit passage, by ensuring that the Strait remains open by significantly reducing the likelihood of grounding. These measures were endorsed by the relevant international body, the International Maritime Organization (IMO). Matters relating to their consistency with the Convention were fully addressed in Australia's submission and were discussed in the relevant IMO committees.

I would like to place on record this delegation's disappointment that the issue has been raised again in this forum, particularly after Australia worked exhaustively with other interested delegations to carefully draft consensus language on the issue. Australia remains convinced of the need for the system of pilotage and of its consistency with international law, and we will continue to engage constructively with others on the issue.

**Mr. Menon** (Singapore): I listened carefully to what my good friend the representative of Australia just said in his statement in exercise of the right of reply. I must say that my delegation disagrees with many of his assertions. For example, he argued that compulsory pilotage and what Australia is doing are consistent with the Convention on the Law of the Sea, basically because the Convention does not prohibit compulsory pilotage as a means of enhancing navigational safety.

Let me say that the Torres Strait is a strait used for international navigation. That means that it is governed by part III of the Convention. Under the Convention, ships and aircraft transiting such straits enjoy the right of transit passage. A State bordering such straits may adopt a limited set of laws and regulations relating to transit passage through those straits. The laws and regulations that may be adopted are specifically laid out in article 42 of the Convention.

Australia is operating a system of compulsory pilotage in the Torres Strait. Under that system, all ships transiting the Strait are required to take a pilot on board; a pilot is not just a condition of entry to Australian ports. In Singapore's view, what Australia is doing goes beyond what is permitted under article 42 of the Convention. The requirement to take a pilot on board, which Australia will enforce under its criminal

laws, seriously undermines the right of transit passage, which is enshrined in the Convention.

Singapore has consistently pointed out that Australia's actions affect the delicate balance in the Convention between the interests of coastal States and the interests of user States in straits used for international navigation. We fully support efforts to protect the marine and coastal environment, but such measures must not contravene the Convention. This is not a zero-sum game; it is not a choice between addressing environmental concerns and contravening the Convention.

In his statement, the Permanent Representative of Australia also argued that what Australia is doing has been approved by relevant international forums, including the International Maritime Organization (IMO). I have stated our position on article 42. Specifically, I made the point that the Convention provides that States bordering straits used for international navigation may adopt a limited set of laws and regulations, as explicitly laid out in article 42 of the Convention, and specifically those relating to safety of navigation and the regulation of maritime traffic provided for in article 41 of the Convention, while those relating to the prevention, reduction and control of pollution need to give effect to applicable international regulations regarding the discharge of oil, oily waste and other noxious substances in the straits.

We have explained several times before in the plenary why we think Australia's compulsory pilotage system in the Torres Strait does not and cannot have International Maritime Organization (IMO) approval. The IMO recommendation, or the position supposedly taken by IMO and cited by Australia as a basis for approval by that body, was only recommendatory in nature. It did not provide any legal authority to impose compulsory pilotage in the Torres Strait or any other strait used for international navigation. That view was shared by a vast majority of countries that attended the recent twenty-fifth IMO Assembly in London. Thirty-one countries reaffirmed the recommendatory nature of the resolution; only three, including Australia, spoke in opposition.

Australia has also expressed disappointment at the way the negotiations have been conducted in the past and the fact that we decided to bring this matter up in the General Assembly. Let me be clear — during the course of the negotiations, we proposed language

reaffirming article 42 and the right of transit passage for this year's omnibus resolution. We did so together with China, Guatemala, Japan, Sri Lanka and the United States. Australia objected to our initial proposal. Efforts were made to come up with compromise language, but the compromise language did not sufficiently address our concerns. In fact, the quest for compromise language showed clearly that there is a fundamental divide in how we see certain articles and provisions of the Convention. Singapore takes the view that article 42 is the only relevant article that sets out the provision for the adoption of laws and regulations relating to transit passage by States bordering straits. Australia took a different view.

I indicated in our statement in this Assembly that we are working bilaterally with Australia to resolve that issue. Unfortunately, the fact remains that Australia continues to operate a system of compulsory pilotage in the Torres Strait today.

Let me reiterate — we are committed to working with Australia on that issue to find a solution that

addresses environmental concerns about the Torres Strait in a manner that is also compliant with the Convention, but we are also open to exploring other options by which the issue can be given serious and appropriate consideration. Let me also caution, however, against any compromise solution that would contravene the spirit of the Convention and undermine the freedom of transit passage, as accorded under the Convention. That would set a very bad precedent and be detrimental to the implementation of the Convention in the long term.

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (b) of agenda item 77?

*It was so decided.*

**The Acting President:** The General Assembly has thus concluded this stage of its consideration of agenda item 77 and its sub-item (a).

*The meeting rose at 6.05 p.m.*