



General Assembly

Sixty-third session

62nd plenary meeting

Thursday, 4 December 2008, 10 a.m.
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Official Records

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/63/63 and Add.1)

Report 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 (A/63/79 and Corr.1)

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its ninth meeting (A/63/174 and Corr.1)

Study prepared by the Secretariat (A/63/342)

Draft resolution (A/63/L.42)

(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

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.

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declare 8 June “World Oceans Day”. In the end, we must share our global heritage responsibly, keeping in mind future generations. We have the tools; let us be pragmatic and use them without delay, confidently and in an integrated fashion. It is our shared responsibility as members of the international community.

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