



General Assembly

Sixty-first session

68th plenary meeting

Thursday, 7 December 2006, 10 a.m.
New York

Official Records

President: Ms. Al-Khalifa (Bahrain)

In the absence of the President, Mr. Wenaweser (Liechtenstein), Vice-President, took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 71

Oceans and the law of the sea

(a) Oceans and the law of the sea

Report of the Secretary-General (A/61/63 and A/61/63/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/61/65)

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its seventh meeting (A/61/156)

Draft resolution (A/61/L.30)

(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/61/154)

Draft resolution (A/61/L.38)

The Acting President: I give the floor to the representative of Brazil to introduce draft resolution A/61/L.30.

Mr. Duarte (Brazil): At this session of the General Assembly, Brazil once again had the honour to coordinate, under sub-item (a) of agenda item 71, informal consultations on oceans and the law of the sea. I therefore have the pleasure to introduce draft resolution A/61/L.30, entitled “Oceans and the law of the sea”, on behalf of its sponsors, Australia, Austria, Belgium, Canada, Cape Verde, Croatia, Cyprus, Finland, Greece, the Federated States of Micronesia, Iceland, Italy, Jamaica, Malta, Mexico, Monaco, Namibia, New Zealand, Norway, Portugal, the Russian Federation, Saint Lucia, Slovenia, Sri Lanka, Sweden, Tonga, Trinidad and Tobago, the United States of America and my own country, Brazil.

The draft resolution is the result of dedicated work and valuable contributions on the part of many delegations. I thank them for their constructive and creative participation in the consultations. I also thank Mr. Vladimir Golitsyn, Director of the Division for Ocean Affairs and the Law of the Sea, and his staff for the competent professional assistance they provided.

The debate we engage in today and the draft resolution before us reflect the international community’s commitment to cooperation, integration of activities and regulatory measures in ocean affairs, as prescribed by the United Nations Convention on the

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fisheries management organizations all responsibilities to regulate such activities and to adopt and implement measures to protect vulnerable marine ecosystems, in accordance with the precautionary approach and ecosystem approaches. It is our hope that such measures can be adopted in time. Marine ecosystems are being destroyed and some species have already been over-exploited or depleted.

If sustainable fisheries are to be achieved, a number of measures are needed, among which are increasing the number of signatures and ratifications to the 1995 Agreement; strongly combating illegal, unregulated and unreported fishing; applying more effective measures to trace fish and fishery products; participating in the existing voluntary International Monitoring, Control and Surveillance Network for Fisheries Related Activities; urgently reducing the capacity of the world's fishing fleets; eliminating destructive fishing practices; increasing cooperation on a subregional, regional and global basis; increasing capacity-building in developing countries; and effectively transferring fishing technologies. Cooperation is a key word here. It is mentioned many times in this year's draft, as well as in previous fisheries resolutions. Now more than ever is the time to put it into action.

Twenty-four years after the adoption of the United Nations Convention on the Law of the Sea and 12 years after its entry into force, the development of the law of the sea is already contributing and will continue to contribute to strengthening peace, security, cooperation and friendly relations among all nations. Important challenges nevertheless remain and must be confronted in order for the Convention to fully realize its equally fundamental goal of promoting the economic and social advancement of all peoples of the world.

The Acting President: I now call on the representative of the United States of America to introduce draft resolution A/61/L.38.

Mr. Floyd (United States of America): My delegation has the honour to be a sponsor of draft resolution A/61/L.30, entitled "Oceans and the law of the sea". We also have the honour to introduce, on behalf of the sponsors, draft resolution A/61/L.38, on sustainable fisheries.

This year's draft resolution on sustainable fisheries comes at a time of heightened concern about

the state of key fish stocks in the world's oceans and the effect of certain fishing practices on the marine ecosystem. We are pleased that the draft resolution calls for concrete steps to curtail destructive fishing practices, to control illegal, unregulated and unreported fishing, to reduce fishing capacity and to implement the fish stocks Agreement, among other things.

This year, much attention has focused on the need for stricter regulation of bottom-trawling in areas outside of national jurisdiction. The United States, along with many other countries, has sought a stronger result to address the harm that bottom-trawling can cause to vulnerable areas. Nonetheless, we view the provisions contained in the draft resolution as a welcome and positive step forward. We will continue to work to advance that issue through the relevant regional fisheries management organizations and arrangements, and through negotiations to establish new such organizations where they do not currently exist. The draft resolution also endorses the work of the United Nations Fish Stocks Agreement Review Conference that took place in May 2006. The United States reaffirms its view of the significance of the agreement and the groundbreaking recommendations of the Review Conference. We urge all States that have not yet become party to the Agreement to do so. We also believe that the Agreement must continue to be the foundation for negotiating new regional agreements, such as the one currently underway in the South Pacific, and that its basic principles should also be applied to discrete high seas stocks by all flag States.

Reducing the capacity of the world's fishing fleets continues to be a high priority for the United States. We will push for full implementation of the language in this year's draft resolution "to urgently reduc[e] the capacity of the world's fishing fleets to levels commensurate with the sustainability of fish stocks" (*A/61/L.38, para. 57*). Regarding illegal, unreported and unregulated fishing, the draft resolution recognizes efforts over the past year to address that problem, but further progress continues to be necessary in that area. The upcoming meeting in Kobe, Japan, represents an opportunity to strengthen the way that the five RFMOs managing highly migratory fish stocks address illegal, unreported and unregulated fishing, the management of fishing capacity and other matters. We also want to see port States take stronger measures to prevent the landing and trans-shipment in their ports of

fish caught in contravention of existing regulatory regimes.

Much work remains if we are to ensure the sustainability of global fish stocks. RFMOs remain the best available mechanism for regulating international fisheries. Nonetheless, there is much room for improvement in the way that we work to advance our common goals. To that end, we must embark on a systematic review of the performance of the RFMOs. One way forward would be for the meeting in Kobe to agree to review the performance of the five tuna RFMOs, based on common criteria and through a common method.

I would like to thank all delegations for their hard work in the development of the draft resolution. The United States was once again proud to provide the coordinator for the informal consultations. We would like to commend the extraordinary efforts of Ms. Holly Koehler, who led the negotiations to their successful conclusion.

Turning to oceans and the law of the sea, we believe the decisions and statements embodied in this year's draft resolution (A/61/L.30) provide a constructive framework for progress in the coming years on a wide spectrum of marine-related issues. In a salutary break with tradition, negotiators this year agreed on the focus topics for the next two meetings of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. Next June we will focus on marine genetic resources in areas both inside and outside of national jurisdiction. We are grateful to our Brazilian colleagues for proposing the topic, and for their flexibility in broadening the topic to include resources under the jurisdiction of the coastal States.

We are also grateful to our Australian colleagues for proposing the topic chosen for the 2008 Consultative Process meeting: maritime security and safety. This timely and important topic will remind the international community that compliance with and implementation of provisions of the Law of the Sea Convention are critical to the security of all nations and to the safety and efficiency of international commerce.

Because we value meetings of the Consultative Process as expanding the international community's knowledge and awareness of emerging issues, we were particularly concerned about how the lengthy agreed

elements of the last meeting, on ecosystem approaches and oceans, would be incorporated into the draft resolution. We thank our Canadian colleagues for crafting a compromise between incorporating the entire text and referring to it only briefly. We will need to keep this dilemma in mind at the next Consultative Process meeting, and perhaps trim the agreed elements to a more manageable size.

We look forward to the next meeting of the working group on marine biological diversity beyond areas of national jurisdiction in 2008. Reconvening the meeting with full conference services will allow experts from all nations to participate in the discussion of how better to conserve and sustainably use those resources.

We also appreciate the leadership of the Chinese delegation in developing the section of the draft resolution on the Commission on the Limits of the Continental Shelf. We all recognize the importance of the Commission's work and its need for additional support.

The United States places great importance on compliance with operative paragraph 65 of draft resolution A/61/L.30, which calls upon States "to ensure freedom of navigation and the rights of transit passage and innocent passage in accordance with international law, in particular the [Law of the Sea] Convention".

We note that the International Maritime Organization has not authorized compulsory pilotage or any enforcement measures for failure to take a pilot through any strait used for international navigation. That said, the United States strongly encourages all ships to take a pilot when transiting straits used for international navigation that are particularly difficult to navigate, in circumstances that do not entail denying, hampering or impairing the right of transit passage as specified in the Convention. Acceptance of a pilot in these circumstances will also assist in protecting sensitive ecosystems, a goal that all countries share with States bordering straits used for international navigation.

We also thank Minister Plenipotentiary Carlos Duarte of Brazil for his skilful and patient coordination of the oceans draft resolution. As always, we appreciate the expertise and support that Vladimir Golitsyn and the staff of the Division for Ocean Affairs