

Australia extends territorial sea

Statement on November 13 by the Minister for Foreign Affairs and Trade, Senator Gareth Evans, and the Attorney-General, Mr Michael Duffy

The Minister for Foreign Affairs and Trade, Senator Gareth Evans, and the Attorney-General, Mr Michael Duffy, announced today that the Government had agreed to extend Australia's territorial sea from three nautical miles to 12 nautical miles.

The Ministers said that the right to a 12 nautical mile territorial sea was well established internationally and significant advantages would flow to Australia from extending Australia's sovereignty over its water, seabed and airspace out to 12 nautical miles.

"It will allow us more effectively to control Australia's marine environment and its living and non-living resources.

The ability to enforce oil and other marine pollution measures, as well as regulate navigation, in our extended 12 nautical miles territorial sea, will be another safeguard in protecting such valuable areas as the Great Barrier Reef," the Ministers said.

It will also provide Australia with considerable defence, customs and quarantine advantages as we will now be able to exercise our sovereignty, consistent with international law, out to 12 nautical miles.

The Ministers also said that the 1979 Offshore Constitutional Settlement with the State Governments would not be affected by the decision.

It was agreed at that time that these arrangements were to apply only to the three nautical miles territorial sea, irrespective of whether Australia subsequently moved to a 12 nautical mile territorial sea.

"A proclamation extending Australia's territorial sea to 12 nautical miles will be issued under the Seas and Submerged Lands Act, with effect from 20 November 1990," the Ministers said.

Driftnet fishing

Following is an edited extract from a Statement made by Australia on 13 November at the Second Committee of the UN General Assembly on driftnet fishing which focused on the recently published Secretary-General's report on driftnet fishing.

Australia welcomes the opportunity to deliver a statement on the Secretary-General's Report on large-scale Pelagic Driftnet Fishing and its Impact on the Living Marine Resources of the World's Oceans and Seas.

We would like to commend the Office of Law of the Sea Affairs of the Secretariat for the obvious effort that it has made to produce a balanced and comprehensive report.

We would like to restate here the background to our concerns on this issue.

Driftnets are an indiscriminate and unselective form of fishing gear. Large-scale driftnets of the types set for tuna and squid in the Pacific capture a wide range of non-target species, both fish and wildlife.

Of particular concern to Australia was the sudden expansion in 1988-89 of large-scale pelagic driftnet fishing targeting juvenile albacore tuna in high seas areas of the South Pacific. Nets of up to 60 km in length extending from the ocean surface to a depth of about 15 metres are used in the fishery. In 1988-89, there were 60 Japanese vessels and between 60 and 120 Taiwanese driftnet fishing vessels active in the region.

Sufficient information emerged about the effect of the practice in the region to warrant serious concern and immediate action. This was particularly so since the prospects of a number of regional economies are linked to and in some cases are dependent on the effective management and conservation of the fisheries resources within their exclusive economic zones.

The main cause for the concern of Pacific Island countries was the likelihood that the stock could not support the rapid increase in surface fishery catches caused by driftnet fishing activity. In the view of the region, the absence of full and conclusive scientific evidence on the effect of driftnet fishing on fish stocks was not adequate justification for persisting with the fishing technique.

In response to this concern at the new threat to the marine environment, South Pacific nations meeting at the 20th South Pacific Forum in Tarawa issued the Tarawa Declaration, calling for a ban on driftnet fishing in the region. Subsequently, the countries of the region meeting in Wellington in November 1989, adopted the Convention for the Prohibition of Long Driftnets in the South Pacific. 12 South Pacific countries have now signed this Convention.

Australia welcomed the adoption of UN General Assembly 44/225 resolution last year but in company with its colleagues in the SOPAC group, (Fiji, New Zealand, Papua New Guinea, Vanuatu and Western Samoa) made it clear in an Explanation of Vote at the adoption of the UNGA resolution that we regarded it