



# General Assembly

Sixty-fifth session

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

Tuesday, 7 December 2010, 3 p.m.  
New York

Official Records

*President:* Mr. Deiss ..... (Switzerland)

*The meeting was called to order at 3 p.m.*

## Agenda item 74 (continued)

### Oceans and the law of the sea

#### (a) Oceans and the law of the sea

**Reports of the Secretary-General (A/65/69, A/65/69/Add.1 and A/65/69/Add.2)**

**Report of the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its eleventh meeting (A/65/164)**

**Report on the work of the Ad Hoc Working Group of the Whole on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects (A/65/358)**

**Letter from the Co-Chairs 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/65/68)**

**Draft resolution (A/65/L.20)**

#### (b) Sustainable fisheries, including through the 1995 Agreement for the Implementations 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

**Draft resolution (A/65/L.21)**

**Mr. Argüello** (Argentina) (*spoke in Spanish*): Allow me, at the outset, to thank both coordinators, Ambassador Henrique Valle of Brazil and Ms. Holly Koehler of the United States, for having conducted the negotiations on the draft resolutions that the Assembly has before it today (A/65/L.20 and A/65/L.21).

As we do every year in this Assembly, my delegation wishes to reiterate that the United Nations Convention on the Law of the Sea represents one of the major contributions to the strengthening of peace, security, cooperation and friendly relations among all nations. At the same time, it is one of the international instruments with the greatest economic, strategic and political implications.

The goal of the negotiators of the Convention was to resolve all matters related to the law of the sea in one single instrument. Its provisions, thus, represent a delicate balance between the rights and the obligations of States, a balanced that emerged after nine years of negotiations. That balance must be preserved by all States, individually and as members of international organizations dealing with ocean affairs or other kinds of organizations. That delicate balance is to be

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preserved also when addressing new challenges having to do with the law of the sea.

The Convention is a veritable constitution for the oceans, with a clearly universal character, accepted as a binding norm even by non-party States, as it constitutes in itself customary international law. The Argentine delegation will make a statement in explanation of vote on the draft resolution on sustainable fisheries. Nevertheless, I will make some remarks on the issues dealt with in that draft resolution as well as in the draft resolution on oceans and the law of the sea.

The question of biodiversity beyond the limits of national jurisdiction is one of the new emerging issues in the law of the sea. In February 2010, the second meeting of the Ad Hoc Informal Open-ended Working Group established by resolution 59/24 was held. Argentina was concerned about certain proposals made at that meeting and during the negotiation of the draft resolution on oceans and the law of the sea, which could have resulted in overburdening the Working Group at a time it had not yet concluded an extremely important debate: the debate regarding the legal regime applicable, under the Convention, to marine genetic resources in areas beyond national jurisdiction.

Likewise, my delegation would like to reiterate that the ambiguity of the expression “areas beyond national jurisdiction” has not made it easier to address the issue of the conservation and sustainable use of those resources, as it has blurred the distinction between the two maritime areas beyond national jurisdiction: the high seas and the Area.

We therefore reiterate once again that the question of the legal regime is still outstanding — and that is reflected in paragraph 165 of the draft resolution that we will adopt — and should be addressed in the context of the mandate of the Working Group, at its next session, with a view to making concrete progress in that regard.

In that context, we must pay due attention to the fact that one of the goals of the Convention was to develop the principles embodied in resolution 2749 (XXV) of 17 December 1970, through which the General Assembly solemnly declared, *inter alia*, that the Area of the seabed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as its resources, “are the common heritage of mankind”, the exploration and exploitation of which “shall be carried out for the benefit of mankind as a whole”.

This year, the twentieth Meeting of States Parties to the Convention dealt with the question of the workload of the Commission on the Limits of the Continental Shelf with a view to adopting measures in that regard.

My delegation therefore wishes to highlight two aspects concerning that issue. On the one hand, it is urgent that parties to the Convention continue to address the issue of the workload of the Commission, so that it can perform its functions expeditiously, efficiently and effectively, and we must do so in a realistic and conscientious manner. On the other hand, it is more relevant than ever to remind all States that the work of the Commission consists in drawing the limit of the shelf, not in establishing the rights of the coastal State, and that article 77, paragraph 3, of the Convention provides that the rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation. That reminder is reflected in paragraph 50 of the draft resolution on oceans and the law of the sea.

Allow me to refer briefly to the other two institutions established by the Convention.

This year, at its sixteenth session, the International Seabed Authority adopted regulations on prospecting and exploring for polymetallic sulphides. The adoption of that new set of regulations — after the adoption, in 2000, of the regulations on polymetallic nodules — is another step forward in the legislative activity of the Authority regarding the resources of the Area.

Nevertheless, there are still challenges ahead. We therefore encourage the Authority to continue to work towards the adoption of norms on marine scientific research for the preservation of the marine environment pursuant to the provisions of articles 143 and 145 of the Convention.

We welcome the presence in this Hall, as every year, of the Secretary-General of the International Seabed Authority, Mr. Nii Odunton.

In addition, this year, the Authority requested an advisory opinion from the Seabed Disputes Chamber on the responsibilities and obligations of States sponsoring persons and entities with respect to activities in the International Seabed Area. This is the first time that those two institutions, which were established by the Convention, interact with each other

pursuant to article 191 of the Convention in order to fulfil the goal of safeguarding the common heritage of humankind. Argentina is one of the States parties that participated in the proceedings, and we welcome the extensive participation in the advisory opinion process. That participation clearly demonstrates States' commitment to the regime established by the Convention for the Area and to the institutions created by the Convention.

I would like to stress our confidence in the Tribunal's maturity. It has been reinforced in its jurisprudence as the tribunal that was established in accordance with the Convention and specializes in the law of the sea. We welcome, in that regard, the statement by the President of the Tribunal, Judge José Luis Jesus, and his presence among us today.

As regards the regular process for the assessment of the state of the marine environment, my country participated actively in the second meeting of the Ad Hoc Open-ended Working Group, which in August 2010 submitted recommendations to the General Assembly. Argentina welcomes the fact that the Assembly followed the recommendations of the Working Group.

Another element of the draft resolutions we will adopt today to which my country attaches importance is the Informal Consultative Process established by resolution 54/33. Argentina supported the review of the Process, which took place at the 10th meeting of the Process, in the understanding that its continuation depended on its being re-directed towards the original objectives, which are closely linked to sustainable development. The Argentine delegation acknowledges both of the co-chairs, from New Zealand and Senegal, for having conducted the 11th meeting of the Process in accordance with the parameters arising from the review of the Process.

As regards the draft resolution on sustainable fisheries, my delegation must reiterate the need not to abandon the rule governing all law of the sea negotiations — inherited from the negotiation of the Convention itself — which is to proceed by consensus. That is the only way to ensure that resolutions of the General Assembly are accepted. Unfortunately, that is not what happened with respect to one element of the draft resolution on sustainable fisheries, and my delegation will make an explanation of vote in that regard.

In addition, at its sixty-sixth session, the Assembly will examine the implementation of paragraphs 83 to 87 of resolution 61/105 and paragraphs 113 to 117 and 119 to 127 of resolution 64/72. In that regard, my country must reiterate that the sedimentary resources of the continental shelf are subject to the sovereignty rights of the coastal States for the whole extension of that maritime area. Therefore, the conservation and management of such resources is subject to the exclusive power of the coastal States, who have the responsibility of adopting the necessary measures regarding such resources and their associated ecosystems, which could be affected by fishing practices that can have a destructive impact, including the practice of bottom trawling. Argentina is taking the necessary steps to adopt such measures for the conservation of the sedimentary resources across the entire extension of its continental shelf, and encourages other coastal States to exercise that same responsibility.

In light of the foregoing, we would therefore like to highlight paragraph 119 of the draft resolution on sustainable fisheries, which once again recalls the exclusivity of the rights of the coastal State in areas of its continental shelf beyond 200 miles.

Also regarding fisheries, my country wishes to reiterate its concern about the growing trend of trying through General Assembly resolutions to legitimize the exercise by regional fisheries management organizations of some type of authority over vessels flying the flag of countries that neither are members of such organizations nor have consented to such measures, as that contradicts one of the basic norms of the law of treaties.

Finally, as it has every year when we consider the report of the Secretary-General on oceans, Argentina would like to express its recognition to the staff of the Division of Ocean Affairs and the Law of the Sea for their professional and devoted work and the assistance that they voluntarily provide to Member States in the matters under their competence.

**Mr. Menon** (Singapore): The 1982 United Nations Convention on the Law of the Sea remains one of the landmark achievements of the international community. Enshrined within the Convention are finely balanced compromises and carefully crafted provisions designed to ensure the harmonious usage of our oceans and seas. It has served us well for three decades, and it

bears witness to what the global community can achieve if we work together in a spirit of cooperation and consensus for the collective good.

Singapore is an island nation. It is entirely surrounded by the seas and sits astride one of the busiest straits in the world, which has nourished us from our founding as a trading post and continues to sustain us today, even in this era of e-commerce. Ships bearing goods from all over the world call at our port, as they have for close to two hundred years, en route to their final destinations.

It is therefore of utmost importance to our survival and continued growth and prosperity that the rights of passage guaranteed in the Convention continue to be respected by all countries. As such, we remain, like many countries, ever vigilant in order to ensure that the Convention remains the fundamental framework within which all activity related to our oceans and seas is regulated.

The Convention has stood the test of time, but, like any established code, it faces challenges in a time beset by changes in the global order and the accelerating pace of economic development. In that regard, we see two potential challenges to the Convention, which we think deserve more attention from the international community.

First, globalization has shrunk the world, including its oceans. As mankind devises new ways of exploiting the resources of the oceans and seas, those activities are increasingly coming under scrutiny from various quarters and in numerous forums. We welcome such attention as a positive development. Given the scarce resources available in the oceans, it is vital that we work together to manage them, lest we destroy or deplete them in a frenzy of rapaciousness.

However, discussions on the management of resources, whether bilateral, regional or even multilateral, have sometimes focused solely on the technical, scientific or environmental aspects of the issue. While well-meaning, such an approach has led at times to decisions being made or measures being taken that can be difficult to reconcile with the Convention.

That has had the unfortunate effect of threatening to undermine the complex web of interlocking rights and obligations that are so carefully balanced within the Convention. We therefore urge all countries to ensure that a holistic approach is adopted to the

complex issues relating to the use of our oceans and seas, and that mechanisms are created, as well as a culture, whereby all experts dealing with issues relating to our seas and oceans can have a full discussion of the issue, which, in turn, will result in solutions that will also be congruent with the wording and spirit of the Convention.

The second challenge we see comes as a consequence of an emerging multipolar world. As the totem pole of global power is realigned, the temptation will grow for national assertions that certain territories, including parts of the high seas, are within their areas or zones of influence. We must never forget that international law governs the issuance and resolution of such assertions.

The Convention has unequivocally guaranteed the freedom of the high seas and the rights of transit passage for the common benefit of all nations. That is one of the cornerstones of the law of the sea, and the international community must be ready to challenge any attempt by any Power to undermine it.

In our modern world, what lies beneath our oceans has become as important as what sails above it. Virtually all modern commerce and communications — international phone calls, e-mails, merchandise ordered from Internet retailers — depend on the network of submarine fibre-optic cables that links us together. Those unseen and unsung cables are the true skeleton and nervous system of our world, linking our countries in a fibre-optic web.

However, that web is not invulnerable, and damage to those submarine cables would cause disruption and economic loss. While advances in technology provide for automatic re-routing of data traffic in such instances, global communications and the Internet remain highly dependent on submarine cables as key physical communication links between countries, and we should never take that critical communications infrastructure for granted.

If there should come a day when an accident, or worse, a deliberate well-planned act of sabotage, knocks out a key node or portion of those cables, countries and even whole regions could suffer massive economic losses, social disruptions, and compromises to national security.

Despite that danger, many countries are unaware of the critical importance of submarine cables, and

many States parties to the Convention have not paid sufficient attention to their obligation under the Convention to ensure that they exercise criminal jurisdiction over wilful or negligent damage to those cables in the high seas.

Given the importance of that issue, Singapore has sought to introduce two paragraphs regarding submarine cables in this year's omnibus draft resolution on oceans and the law of the sea. We thank the many countries that have given us strong expressions of support in favour of those paragraphs and have worked closely with us for the inclusion of those paragraphs in the draft resolution. The support we have received demonstrates that the international community is now beginning to turn its attention to that issue.

We hope that the language in the draft resolution will catalyse many conversations in various forums, and that in times to come experts, Governments, industry and other relevant actors in that area will identify and address issues relevant to those cables and work to ensure their security for the common economic and social good of our world.

Singapore has always viewed the Convention as a lynchpin of international relations. Although piracy and other disruptions to shipping hijack the headlines, it is a fact that millions of vessels traverse our oceans and seas daily without incident. That is a strong testament to the success of the Convention.

**Mr. Borg** (Malta): Malta wishes to align itself with the statement made by the representative of Belgium on behalf of the European Union. In that regard, my delegation wishes to express its appreciation to the Secretary-General for his comprehensive two-part report (A/65/69) and to the Division for Ocean Affairs and the Law of the Sea for the assistance given to Malta in the past year. We would also like to provide some additional remarks from a national and regional perspective.

It will be recalled that 43 years ago Malta called upon United Nations Member States in this Assembly to undertake a reform of the law of the sea, which culminated in the adoption of the Convention on the Law of the Sea on 10 December 1982. Malta's initiative in 1967 sought precisely to bring to the fore and initiate a process that saw its vision for an international order for the oceans and the seabed begin to become a reality 15 years later. That universal treaty

of law and order pertaining to the common heritage of mankind has and will continue to have far-reaching implications for the preservation and management of the oceans.

Piracy and armed robbery at sea against vessels continue to be an issue of grave concern to international navigation and the safety of commercial maritime routes. Malta, as one of the leading flag States in the world, is very much concerned about the increase in the frequency and ferocity of piracy attacks on merchant ships and has always provided the necessary support to ships registered under the Malta flag that have suffered a piracy attack, in particular off the coast of Somalia.

According to the International Chamber of Commerce International Maritime Bureau, about 100 Malta flag ships have been attacked off the coast of Somalia since December 2003. That is of prime concern in terms of the safety of seafarers, given the volume of trade transported through the Gulf of Aden. It is imperative that that shipping lane be adequately protected from any acts that might disrupt the flow of international traffic through it.

Malta's participation in Operation Atalanta is not only a contribution to the efforts for safe international maritime traffic but is also in line with Malta's commitments as a State party to the United Nations Convention on the Law of the Sea and to other relevant maritime treaties to which Malta is a State party. It is in that direction that we intend to promote a debate in the international community on new issues in the law of the sea that have cropped up since the conclusion of the Convention in 1982.

My delegation wishes to reiterate the importance that Malta attributes to the role played by the International Maritime Law Institute (IMLI) in the field of capacity-building since its establishment in 1988. In the words of the current Secretary-General of the International Maritime Organization and Chairman of the IMLI Governing Board, IMLI has helped to ensure that a sufficient number of maritime law experts, armed with the appropriate knowledge and skills, would be available — especially within developing countries — to help with the preparation, implementation and enforcement of legislation giving effect to the international instruments to which Governments have become parties.

The Institute has trained lawyers from 119 States so far and has created a wide network of governmental legal advisers, mainly from developing countries, confirming its objectives and its successful and effective capacity-building role in the field of international law, which has been of critical importance to the maritime community and the shipping industry at large. Considering the many ongoing capacity-building initiatives in the area of ocean affairs and the law of the sea, it would be appropriate to explore whether the time has come to adopt a cohesive and coordinated approach to such initiatives within the United Nations system.

As the Secretary-General stated in his report, international migration by sea is often treacherous and can lead to loss of life. Malta's position at the centre of the Mediterranean Sea has exposed it to huge influxes of illegal immigrants over the years. In 2009, the number of people arriving in Malta who were seeking to migrate clandestinely by sea was 1,475. Though the number of migrants arriving by sea has, in fact, declined this year, the situation is not sustainable for Malta owing to our country's geographic and demographic characteristics, in particular its small size and population density. Despite those severe difficulties, Malta has continued to honour its international obligations towards genuine refugees and persons qualifying for humanitarian protection, and has awarded asylum to a very large number of persons seeking it, relative to our country's size and population.

Back in 1988, Malta was the first country to formally introduce the issue of climate change as a political issue on the General Assembly's agenda, and has sought since then to ensure that climate change remains a focus of high-level attention on the part of the international community. Like other small islands, Malta faces the prospect of severe adverse impacts from climate change. Indeed, the future effect of increasing emissions on the health of the seas and oceans may be far more wide-ranging and complex than has been supposed. That was confirmed in a recent report on the environmental consequences of ocean acidification published by the United Nations Environment Programme (UNEP).

In that context, Malta, as a small island State, is very conscious of the condition of its marine environment and coastal regions. Paragraphs 133, 134 and 160 of draft resolution A/65/L.20 refer to the

importance and relevance of regional seas agreements and conventions in protecting and preserving the marine environment. Such regional cooperation schemes and centres have proved very useful tools for assisting countries by enhancing the enforcement, at the regional level, of multilateral treaties on the protection of the marine environment.

Malta is proud to be the host country of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), a regional activity centre for the Mediterranean Action Plan, which was the first regional seas programme established by UNEP in 1976. REMPEC has so far helped more than 13 Mediterranean coastal States to draft their national contingency plans, and has also facilitated the drawing up of subregional response agreements. In an area such as the Mediterranean, so highly charged with political differences, regional seas programmes and technical cooperation are helping to achieve the main goals of our Organization, namely, to maintain peace and ensure a better livelihood for our citizens.

In that regard, Malta welcomes the entry into force of the Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil, adopted in 1994, which is an implementation of the Global Environment Fund/United Nations Development Programme/International Maritime Organization GloBallast Partnerships Project in the Mediterranean and the European Union-financed regional project SafeMed II.

Malta is fully committed to the implementation of the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, as well as its Protocols, which obliges the contracting parties to take all appropriate measures to prevent, abate, combat and, to the fullest possible extent, eliminate pollution of the Mediterranean Sea area caused by dumping from ships and aircraft or incineration at sea, discharges from ships, exploration and exploitation of the continental shelf and the seabed and its subsoil, land-based sources and transboundary movements and the disposal of hazardous wastes.

In that context, Malta is also looking forward to the forthcoming entry into force of the Protocol on Integrated Coastal Zone Management (ICZM) in the Mediterranean, which builds on existing obligations

and measures by ensuring that management of the coastal zone is conducted holistically and in a sustainable manner at both the national and the regional levels. Furthermore, the various provisions, objectives and principles laid out in the ICZM Protocol provide additional tools for States to implement good governance in guiding economic development, research and cooperation in order to safeguard not only Mediterranean and European biodiversity but also the cultural heritage of the Mediterranean coast.

Malta, as a State party to the United Nations Convention on the Law of the Sea and a maritime nation, is totally committed to addressing the multifaceted challenges facing the world's oceans and seas. It is with that commitment in mind that my delegation is once again proud to co-sponsor the draft resolutions that the General Assembly is considering today on oceans and the law of the sea (A/65/L.20) and on sustainable fisheries (A/65/L.21). Our thanks and appreciation go to Ambassador Valle of Brazil and Ms. Koehler of the United States for the excellent way in which they have led the discussions and the coordination process on those two draft resolutions.

**Mr. Jomaa** (Tunisia): Allow me at the outset to congratulate and thank both coordinators, Ms. Holly Koehler of the United States and Ambassador Henrique Valle of Brazil, for the remarkable professionalism with which they led the negotiations on the draft resolutions (A/65/L.20 and A/65/L.21) before the General Assembly today. I would also like to thank the United Nations Division for Ocean Affairs and the Law of the Sea for its support and excellent work.

The adoption today of the omnibus draft resolutions on oceans and the law of the sea and on sustainable fisheries gives us an opportunity to acknowledge the important work that the international community has accomplished in those areas during the past year, as well as to underline the challenges that lie ahead regarding the governance of the oceans. It is also an occasion to renew our commitment to working collectively to remedy any gaps in the implementation of our obligations under the United Nations Convention on the Law of the Sea, which we all acknowledge as the legal framework that governs all ocean and sea activities.

Tunisia greatly appreciates the important role of the International Tribunal for the Law of the Sea in the peaceful settlement of disputes and in ensuring the

uniform interpretation and application of the Convention. My delegation welcomes the unprecedented decision to request the Seabed Disputes Chamber of the Tribunal to provide an advisory opinion regarding the responsibilities and obligations of States sponsoring persons and entities with respect to activities in the international seabed Area. We consider that decision to be a sign of the growing maturity of the institutions created by the Convention, as well as a sign of States parties' confidence in the role of the Tribunal. We note as well the first maritime boundary dispute submitted to the Tribunal by Bangladesh and Myanmar. Tunisia, having made a declaration under article 287 of the Convention and choosing to settle disputes through the Tribunal, welcomes the positive trend in the submission of disputes to that institution and will continue to support the Tribunal's valuable work in that field.

My delegation welcomes the adoption by the International Seabed Authority of the regulations on prospecting and exploration for polymetallic sulphides in the area beyond the limits of national jurisdiction, and looks forward to an early finalization of the draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts. Those regulations will contribute to the progressive development of the regulatory regime for activities in the deep seabed. However, it is our belief that the mining code will remain incomplete as long as detailed regulations governing the exploitation of the resources of the high seas are not developed, at least in the medium term. My delegation therefore supports the idea of commissioning a preliminary study of the issues associated with the development of exploitation codes for that area.

Another factor negatively impacting the full implementation of Part XI of the Convention is the difficulty in determining the extent of the area of the seabed as long as the precise delineation of all outer limits of the continental shelf, as set out in article 76 of the Convention, remains pending. While noting with appreciation the measures undertaken by the Commission on the Limits of the Continental Shelf to improve its efficiency, we note with concern that, given the high number of submissions, it is expected that the delineation of all of the pending outer continental shelf claims — and hence delineation of the deep seabed area — will be a time-consuming process. Issues related to the workload of the Commission need to be

addressed through improved working methods and through longer and more frequent sessions, which will require innovative ways to facilitate the funding of such additional work.

The question of biodiversity beyond the limits of national jurisdiction is one of the emerging issues of the law of the sea. We would like to recall in that regard that the question of the legal regime governing marine genetic resources in areas beyond national jurisdiction is still outstanding. That issue is being addressed within the mandate 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, which was established by resolution 59/24 and will hold its next meeting in June next year.

It is our hope that our deliberations on that question will be guided by the principles embodied in resolution 2749 (XXV) of 17 December 1970, in which the General Assembly declared, inter alia, that the area of the seabed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, as well as its resources "are the common heritage of mankind", the exploration and exploitation of which "shall be carried out for the benefit of mankind as a whole". My country attaches particular importance to the early implementation and operationalization of the principle of the common heritage of mankind. For us, that is not a vague and an imprecise concept but rather a principle of international law.

Another challenge that needs to be addressed more proactively is the question of illegal, unreported and unregulated fishing, which is an issue of great concern to Tunisia, a coastal State where fishing activities represent 1 per cent of gross domestic product and provide employment for more than 100,000 people. As a responsible fishing country, Tunisia is intent on addressing threats to sustainable fisheries by committing to the conservation and management of living marine resources and the preservation of the marine ecosystem. In that regard, Tunisia is among the few Mediterranean countries to have introduced regulations on closed seasons for fishing. A system of the compulsory observance of biological rest periods was put in place to foster the regeneration of depleted fish stocks. That system is being implemented from July to September in the Gulf of Gabes, for example, an area that is home to several endangered fish species. Fishermen in that area are

offered compensation by the Government to offset part of their loss of income during that period.

My country has also introduced regulations aimed at ensuring data allowing for the traceability of fish products. More recently, Tunisia undertook the necessary measures to meet the standards set by the European Commission's regulations prohibiting the import of illegal, unreported and unregulated fishing products, which become effective in January 2010. It is our conviction that combating illegal, unreported and unregulated fishing cannot be efficient, if it is not undertaken on a global scale. More efforts and commitments are required globally to close the gaps in fisheries governance. The adoption in November 2009 by the Food and Agriculture Organization of the United Nations of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing is a positive step. That Agreement will provide an important new tool to tackle the problem of illegal, unreported and unregulated fishing globally, and we hope for its early entry into force.

In the area of maritime navigation, we would like to express our serious concern over piracy and armed robbery at sea, particularly off the coast of Somalia. As this meeting is taking place, Somali pirates continue to hold 23 Tunisian hostages and other crew members of *MV Hannibal II*, a vessel captured on 11 November this year. Piracy not only threatens freedom of the seas, maritime trade and maritime shipping security, but also endangers the lives of seafarers and hampers the economic development of countries in the region.

Tunisia strongly supports international efforts to find long-lasting solutions to that issue. While welcoming actions taken in that regard by the Security Council and commending the activities of the Contact Group on Piracy off the Coast of Somalia, as well as the work of the International Maritime Organization and other international organizations engaged in combating such illicit acts, we believe that much remains to be done in that area. We take the view that a multifaceted approach that includes assistance for maritime security enforcement, capacity-building and other medium- to long-term efforts in addition to operations by naval vessels must be pursued in order to effectively suppress piracy. It is equally important to enact anti-piracy measures law to enable domestic implementation of the provisions on piracy stipulated in the United Nations Convention on the Law of the Sea.

Ocean and sea affairs are sensitive, complex and closely interrelated. Only through increased coordination and concerted cooperation among States and international organizations will it be possible to ensure an effective and judicious governance of the oceans and seas that strikes a reasonable balance among the interests of all parties and meets the various challenges related to the sustainable use of marine resources and protection of ocean and sea habitats.

**Mr. Wang Min** (China) (*spoke in Chinese*): With technological progress and social development, the link between mankind and the oceans is becoming ever closer. How to ensure the sustainable use and effective protection of marine resources and how to achieve harmonious coexistence between mankind and the oceans is high on the current agenda of the international community.

The Chinese delegation maintains that States should, based on science and the rule of law and through cooperation and dialogue on an equal footing, achieve peace, security, openness and the effective protection and sustainable use of the oceans, realize common development and bring benefits to all members of the international community.

I wish to take this opportunity to make the following comments on issues related to oceans and the law of the sea.

First, regarding the Commission on the Limits of the Continental Shelf, the Chinese Government attaches great importance to the Commission's role in the implementation of the relevant provisions of the United Nations Convention on the Law of the Sea, and acknowledges the results of its work. The Chinese delegation supports the Commission in fulfilling its responsibilities in a manner strictly consistent with the Convention and its rules of procedure, while ensuring high standards and quality performance. China hopes that the Commission's consideration of submissions by coastal States will not only meet the expectations of the international community, but also stand the tests of science, law and time.

The Chinese delegation, while appreciating the efforts made to address the Commission's workload, calls for an approach balanced between speed and quality in considering submissions relating to the continental shelf beyond 200 nautical miles. In other words, the need to expedite consideration should not be

allowed to compromise the serious scientific and professional nature of the Commission's work.

My second comment concerns the International Seabed Authority, which the Chinese delegation wishes to congratulate on its achievements over the past year. At its sixteenth session, the Authority adopted the Regulations on Prospecting and Exploration for Polymetallic Sulphides in the Area. The introduction of the Regulations is conducive to the orderly exploitation of new marine resources, helps to boost the vitality of the Authority, contributes to the management of the Area and its resources by the international community and facilitates the sharing of the benefits of the Area and its resources among States, particularly developing States. China hopes that States will continue to work, in a pragmatic and cooperative manner, towards the early adoption of the draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area.

*Mr. Ndong Mba (Equatorial Guinea), Vice-President, took the Chair.*

Thirdly, the Chinese delegation has noted that the International Tribunal for the Law of the Sea, as a judicial body established under Convention for the settlement of disputes with respect to the interpretation and application of the Convention, is now hearing its first case of maritime delimitation. Its Seabed Disputes Chamber has accepted a request for an advisory opinion on responsibilities and obligations of States sponsoring persons and entities with respect to activities in the International Seabed Area.

The role of the Tribunal has received broad international attention. The Chinese Government always attaches importance to the significant role of the Tribunal in the peaceful settlement of maritime disputes and in the maintenance of international maritime order, and it supports the Tribunal in fulfilling its responsibilities in line with the provisions of the Convention.

Fourth is the issue of the conservation and sustainable use of marine biological biodiversity beyond areas of national jurisdiction. The international community has given a great deal of attention to that topic, and the issue of marine protected areas is considered highly controversial. The Chinese delegation believes that oceans, especially the high seas and the Area, involve the national interests of all States. Thus, in addressing the issue of marine

biodiversity in areas beyond the limits of national jurisdiction, there is a need to balance its protection and its use, and also to bear in mind the dependence of developing countries on oceans.

The international community has yet to establish common standards and a legal framework that are universally acceptable and operational with regard to marine protected areas beyond the limits of national jurisdiction. States therefore need to be cautious in establishing marine protected areas.

My fifth comment concerns the regular process for global reporting and assessment of the state of the marine environment, which has been officially launched. The Chinese delegation is of the view that to ensure the proper functioning of the regular process, it must be country-led; abide by the relevant international law, including the Convention; respect the sovereignty, sovereign rights and jurisdiction of coastal States; refrain from intervening in disputes between States over sovereignty and maritime delimitation; and focus on making recommendations on the sustainable development of the oceans.

Sixth is the issue of sustainable fisheries. As a responsible fishing country, China has actively participated in the work of various international fisheries organizations and is committed to strengthening the conservation and management of fishery resources. The Chinese Government will continue to work with interested States to promote the development and improvement of the international fisheries regime, which will contribute to the reasonable management of fisheries, and to make vigorous efforts towards ensuring the sustainable use of marine living resources, ensuring achieving marine ecological balance, and sharing the benefits of fisheries among all States.

Oceans are a strategic base for the development and progress of mankind. To ensure that the oceans can provide long-term benefits to mankind, the international community should further strengthen its cooperation and solidarity, jointly respond to maritime challenges, share the opportunities and wealth provided by the oceans and together seek their sustainable development.

**Mr. Shin Boonam** (Republic of Korea): First of all, my delegation thanks the Secretary-General for his comprehensive reports on oceans and the law of the sea (A/65/69 and Add.1 and Add.2). We also commend

Mr. Serguei Tarassenko, Director of the Division for Ocean Affairs and the Law of the Sea, and his staff for their dedicated work and their invaluable assistance to Member States. In addition, we would like to thank Ambassador Henrique Valle of Brazil and Ms. Holly Koehler of the United States for their excellent work in coordinating the two draft resolutions before us (A/65/L.20 and A/65/L.21).

Given the centrality of the United Nations Convention on the Law of the Sea as the global legal framework for the governance of oceans and seas, it is important that all activities in the oceans and seas are carried out within that framework and that the integrity of the Convention is maintained. While we welcome new States parties, we also wish to call upon those States that have not yet done so to join the Convention and its implementation agreements.

The implementation 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. Concerted efforts and contributions by Member States are required to address the difficulties that those implementing bodies might encounter in carrying out their work.

We note with satisfaction the continued and significant contribution of the Tribunal to the settlement of disputes by peaceful means, in accordance with Part XV of the Convention, and the progress in the work of the Commission. We also welcome the adoption at the sixteenth session of the Authority of the Regulations for Prospecting and Exploration for Polymetallic Sulphides. My Government reaffirms its commitment to the objectives of the Convention and its full support for the most effective and efficient operation of those institutions.

The oceans and seas are invaluable to the welfare of humanity, providing living and non-living marine resources and a vital avenue for transportation. However, the world continues to be plagued by piracy and the degradation of marine resources. Maritime safety and security is a serious concern for many seafaring States. Collaborative efforts at subregional, regional and international levels are necessary to adequately address those problems. In that regard, my Government hosted the seventh plenary meeting of the Contact Group on Piracy off the Coast of Somalia on 10 November 2010. We are pleased to note that the

Contact Group continues to serve as an information-sharing and cooperation mechanism for States affected by piracy off the coast of Somalia or involved in efforts to repress it.

As the report of the Secretary-General points out, marine science and its supporting technologies can make a major contribution to eliminating poverty, ensuring food security, supporting human economic activity, conserving the world's marine environment, helping to predict and mitigate the effects of and respond to natural events and disasters, and generally promoting the use of the oceans and their resources. A variety of cooperative scientific and technical endeavours in ocean affairs, a healthy exchange of information and the design of joint research activities are needed to achieve the conservation and sustainable development of marine resources. My Government continues to do its part to enhance international cooperation by transferring marine technology to developing countries through the Korea International Cooperation Agency's funding and internship programmes.

Marine biological diversity greatly contributes to maintaining a healthy global ecosystem, including in terms of climate, and sustaining socio-economic development. My Government attaches great importance to the conservation and sustainability of marine biodiversity. We are pleased to note that the international community had a valuable opportunity to contemplate the importance of marine biodiversity this year, the International Year of Biodiversity. Every State needs to develop better ways to sustain marine biological diversity, taking into account recommendations adopted in various international forums.

Human well-being, economic security and sustainable development are heavily dependent upon healthy oceans and seas. In that regard, we hope that the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects, will greatly contribute to enhancing the scientific basis for policymaking. My Government reaffirms its commitment to contributing to the success of the regular process, whose first cycle has begun this year.

The international community has long worked together to ensure an orderly and stable regime with respect to the oceans and seas. There is a great need for

a spirit of mutual understanding and cooperation, as enshrined in the Convention, at a time when humankind is facing many challenging issues, including maritime security, the protection and preservation of the marine environment, sustainable development and climate change. On this occasion, we would like to renew our commitment to ensuring the sound governance of the oceans and seas.

**Mr. Al-Subaie** (Kuwait) (*spoke in Arabic*): It is my pleasure to convey to the President of the General Assembly, in the name of the State of Kuwait, our thanks and gratitude for the evident and effective efforts in conducting the Assembly's work at its present session.

We also wish to thank the Secretary-General for his report, in document A/65/69 and its addenda, on oceans and the law of the sea. The State of Kuwait attaches great importance to the law of the oceans and the law of the sea. It welcomes the Secretary-General's comprehensive report on the developments and issues regarding those laws and the implementation of the United Nations Convention on the Law of the Sea.

An indication of the importance of that Convention at the international and regional levels is the continued increase in the number of states acceding to the Convention. The State of Kuwait calls upon the States that are not party to the Convention to accede to it, thereby contributing to the global participation in the maintenance of international peace and security.

The increase in acts of piracy and armed robbery against ships is a threat to international commerce, maritime navigation and the lives of crew members. Therefore, my country's delegation denounces all acts of piracy and hijacking of commercial vessels, as well as acts of terrorism committed on the oceans and seas, including the piracy that occurs in the Gulf of Aden off the Somali coast.

We also note the act carried out by the Israeli authorities, who, persisting in their arrogance, launched an attack against the Freedom Flotilla in international waters last May. That attack defied all international laws and norms and confirms the Israelis' confidence in their impunity, in the absence of an appropriate response from the international community to such acts of piracy.

The State of Kuwait believes in the importance of capacity-building in the areas of the laws of the oceans

and of the sea, including in maritime sciences and marine technology transfer, which would ensure that all States, particularly developing countries, benefit from the sustainable development of the oceans and the seas.

Protecting the marine environment and its natural resources is an issue of great importance, and thus we must follow a more integrated method to continue to examine and strengthen measures that aim to conserve marine biodiversity from the effects of climate change, whether caused by humans or occurring naturally.

Out of its belief in the importance of the subject, the State of Kuwait acceded in 1986 to the United Nations Convention on the Law of the Sea and, in 2002, to the Agreement relating to the implementation of Part XI of the United Nations Convention of the Law of the Sea of 10 December 1982. It is also a party to the Protocol concerning Marine Pollution resulting from Exploration and Exploitation of the Continental Shelf. The State of Kuwait houses the headquarters of the Regional Organization for the Protection of the Marine Environment. It was established in accordance with the 1978 Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution, which aims to coordinate the efforts of the Gulf States to protect their marine environmental resources. Furthermore, the State of Kuwait implements programmes with the International Atomic Energy Agency for the protection of the marine environment.

The State of Kuwait urges all Member States to cooperate and endeavour jointly to achieve a better life for their peoples, and to conserve marine resources and use them optimally, through their compliance with the conventions and the law, so as to ensure the right of all peoples to utilize marine resources justly and equally and to ensure environmental sustainability for all.

**Mr. Pálsson** (Iceland): The United Nations Convention on the Law of the Sea provides the legal framework for all our deliberations on the oceans and the law of the sea. Iceland welcomes recent ratifications of the Convention, which bring the total number of States parties to 161. By ratifying and implementing the Convention, States sustain and promote a number of the most cherished goals of the United Nations. Every effort must be made to utilize existing instruments to the fullest before other options

are given serious consideration, including possible new implementation agreements under the Convention.

Turning to one of the three institutions supporting the Convention, we note with satisfaction the progress in the work of the Commission on the Limits of the Continental Shelf. However, share the concern expressed in the draft resolution on oceans and the law of the sea (A/65/L.20) that the heavy workload of the Commission poses additional demands and challenges to its members and to the Division for Ocean Affairs and the Law of the Sea. There is a need to ensure that the Commission can perform its functions expeditiously, efficiently and effectively, while maintaining its high level of quality and expertise and respecting fully the Convention and the rules of procedure of the Commission.

We must also safeguard the integrity of the Convention. There has at times been an unfortunate lack of appreciation of the nature of the rights of the coastal State over its continental shelf. Accordingly, it was considered appropriate to include a paragraph in the draft resolution on oceans and the law of the sea referring to article 77, paragraph 3, of the Convention and spelling out that the rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation. The rights of the coastal State are, in other words, inherent rights and are not dependent upon a submission to the Commission or recommendations by the Commission which are technical in nature and do not address the legal entitlement of the coastal State over its continental shelf.

Iceland attaches great importance to the long-term conservation, management and sustainable use of living marine resources and to the obligation of States to cooperate to that end, in accordance with international law, in particular the Convention on the Law of the Sea and the Fish Stocks Agreement. We welcome the reaffirmation of those goals in the draft resolution on sustainable fisheries (A/65/L.21).

The Fish Stocks Agreement is of paramount importance, as it strengthens considerably the framework for the conservation and management of straddling and highly migratory fish stocks by regional fisheries management organizations. The effectiveness of the Agreement depends on its wide ratification and implementation. Therefore, we welcome recent ratifications of the Agreement, bringing the number of

States parties to 78. We note with satisfaction the conclusions of the Review Conference held in May this year, which reaffirmed the recommendations adopted by the Conference in 2006 and proposed additional means of strengthening the substance and implementation methods of the provisions of the Agreement.

The Convention on Biological Diversity is a key instrument in the area of ocean affairs. An important stepping stone was reached in Nagoya last October when the States parties agreed on a protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization. With that protocol in place — possibly as early as 2012 — we hope that progress on genetic resources in areas beyond national jurisdiction can be made.

The Convention's Strategic Plan to 2020, in Target 6, directly addresses the effects of fisheries on biological diversity and the way responsible fisheries should be managed. In connection with responsible fisheries, Iceland has for many years called for action to eliminate illegal, unreported and unregulated (IUU) fishing and has supported initiatives by regional fisheries management organizations and the Food and Agriculture Organization (FAO) to combat it. We welcome signatures of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing — the first global treaty focused specifically on the problem of IUU fishing, and we encourage States to ratify it with a view to its early entry into force.

In connection with biodiversity, I wish to note that the Arctic Council, comprised of eight member States, recently published a report entitled *Arctic Biodiversity Trends 2010*, as its contribution to the United Nations International Year of Biodiversity. The report finds climate change to be the most far-reaching and significant driver of change in the area of biodiversity. Climate change is among the factors placing growing strain on the world's oceans. Ocean acidification is a relatively new concern and, in a longer-term perspective, could become a major concern for countries that depend on the ocean for their livelihood.

The sustainable management and utilization of all living marine resources is essential for food security and the alleviation of hunger, as confirmed in the outcome document (resolution 65/1) of September's

High-level Plenary Meeting on the Millennium Development Goals. The Meeting reaffirmed the need for improving capacity-building in fisheries, especially in developing countries, as fish is an essential source of protein for millions of people around the world.

In that connection, let me recall that the Fisheries Training Programme of the United Nations University in Iceland remains open to cooperation with developing countries in the area of sustainable fisheries. Furthermore, Iceland's bilateral development cooperation is largely focused on sustainable fisheries management.

Eight years after world leaders decided, in Johannesburg, to launch a regular process for global reporting and assessment of the state of the marine environment, under the auspices of the United Nations, we welcome the fact that the first cycle of the process has now been initiated. The regular process, provided it is given the high-level commitment it deserves, has the potential to contribute significantly to improving ocean governance. We look forward to the first meeting in February of the Ad Hoc Working Group of the Whole of the General Assembly set up to oversee and guide the process.

The United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea is another important forum for debate that facilitates the work of the General Assembly. The Informal Consultative Process is a unique forum for comprehensive discussions among stakeholders on a host of disciplines related to oceans and the law of the sea, consistent with the framework provided by the Law of the Sea Convention and chapter 17 of Agenda 21. We welcome the continuation of the mandate of the Process for the next two years and look forward to its consideration of themes relating to the United Nations Conference on Sustainable Development at its twelfth meeting in June.

**Mr. Kalinin** (Russian Federation) (*spoke in Russian*): At the outset, I wish to express our gratitude to the Secretary-General for his reports on maritime issues (A/65/69, A/65/69/Add.1 and A/65/69/Add.2). As in past years, these are valuable tools in assessing the current situation and determining priority areas for further work in this area in the light of new challenges.

We also wish to thank the coordinators of the informal consultations on the draft resolution on sustainable fisheries (A/65/L.21) and on the omnibus

draft resolution (A/65/L.20), namely, Ms. Holly Koehler and Ambassador Henrique Rodrigues Valle, as well as the Director of the Division for Ocean Affairs and the Law of the Sea, Mr. Serguei Tarassenko, and his staff for their expert assistance and work on the draft resolutions.

The Russian Federation believes that the General Assembly has a pivotal role to play in United Nations discussions on issues relating to the world's oceans. We emphasize the fundamental role of the 1982 United Nations Convention on the Law of the Sea in regulating the activities of States on the world's oceans. The Convention creates a comprehensive legal regime, whose integrity must be preserved at all costs. A great deal has been said today to that end. We call for the requisite implementation of the provisions of the Convention in the interest of a stable future for the oceans.

The Russian Federation supports the work of the bodies created under the Convention. The International Tribunal on the Law of the Sea plays an important role in the settlement of disputes regarding the interpretation or application of the Convention. We note with satisfaction that steps were taken in 2010 towards making fuller use of this body's potential.

We take particular note of the role of the Commission on the Limits of the Continental Shelf. It is important that coastal States fully abide by the requirements of article 76 of the Convention, as well as other applicable norms of international law, in making their submissions to the Commission on the establishment of the outer limits of their continental shelf beyond 200 nautical miles.

The Russian Federation was one of the first States to present its submission to the Commission for the establishment of the outer limits of our continental shelf in the Northern Arctic and Pacific Oceans. Work is currently being carried out to collect additional scientific data to support the Russian submission and help resolve other issues. We believe that there is a need to further expand the useful practice of allowing States to interact closely with the Commission during the course of the consideration of their submissions.

The significant increase in the workload of the Commission poses a serious challenge. We support the range of measures designed to improve its functioning to provide for swifter and more effective consideration of submissions — without, of course, negatively

affecting the quality of the Commission's work. We emphasize the importance that those States that have put forward experts as members of the Commission abide by their commitments to ensure the participation of members of the Commission in its work.

Today, problems relating to the protection of the marine environment, and in particular of the most vulnerable ecosystems, are at the forefront of our concerns. We believe that a comprehensive approach should be taken to resolve issues in this area. We also believe that, in order to properly evaluate priorities for the future, we need to fully understand the current situation with regard to the marine environment. In that context, we welcome the first practical steps being taken within the framework of the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects. It is important to create an effective mechanism to manage this process and, in so doing, to preserve its international character.

The Russian Federation advocates for more in-depth marine scientific research to be carried out to expand knowledge of the processes taking place in the oceans, which have an affect on all of humankind. Our activities in this area must be based on robust international and legal foundations. We would like to emphasize in particular the importance of compliance with the rights of coastal States to carry out marine scientific research. Here I am referring to marine scientific research in the exclusive economic zone and on the continental shelf, in accordance with article 246 of the Convention.

We favour the strengthening of measures to ensure maritime security. The problem of piracy, especially off the coast of Somalia, has recently been exacerbated. A matter of particular concern for us is the unsatisfactory situation in terms of pirates being brought to justice. More important, those who direct the pirate industry are not being brought to justice. In our view, the current efforts, which are being carried out only at the national level, are insufficient to guarantee a reliable solution to the problem.

The Russian Federation also approves of the results of the eleventh session of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea. We welcome the decision to extend the mandate of the Process for two years. This forum, which is open to a broad range of participants, has

demonstrated its value. We believe that it can continue to be useful in the future. Of course, we will continue to participate in the discussion of the issue of marine biodiversity in regions beyond areas of national jurisdiction, within the framework of the Assembly's Working Group. Russia believes that it is of fundamental importance that the Group's meeting in 2011 be provided with full conference services.

As a State with a responsible approach to the issue of ensuring sustainable fisheries, the Russian Federation is paying increased attention to measures designed to preserve and manage fish stocks. At the same time, it is important to us that any limitations on fishing on the open seas be established by the competent regional fisheries management organizations on the basis of comprehensive scientific data, including the results of both past and present scientific marine studies. We welcome the strengthening of a range of measures aimed at combating illegal, unreported and unregulated fishing (IUU). We note with satisfaction the consistent steps taken to strengthen control by flag States and enhance the effectiveness of measures to combat IUU fishing by port States.

The Russian Federation will continue to participate actively in the formulation and implementation of measures aimed at protecting vulnerable marine ecosystems, both individually and within the framework of the appropriate regional fisheries organizations. We once again underscore the importance of the 1995 Fish Stocks Agreement, and we call on States that have not yet done so to consider the possibility of becoming party to it. In addition, we support the implementation by all States of the recommendations of the 2006 and 2010 Review Conferences.

**Mr. Pham Vinh Quang** (Viet Nam): Ocean affairs and the law of the sea have profound effects on the development and implementation of national maritime policies. The 1982 United Nations Convention on the Law of the Sea (UNCLOS) provides a sound, comprehensive legal framework for all of our deliberations on oceans and seas. The fact that UNCLOS has been accepted by most of the international community strengthens our hopes for promoting legitimate and optimum uses of the world's oceans and seas according to the principles of justice, equal rights and respect for the interests of sustainable development. We continue to support efforts aimed at ensuring the full implementation of UNCLOS, with

due respect for the delicate balance between the rights and obligations of States in its provisions.

The International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf continued to deal with heavy workloads during the past year. We note with satisfaction the measures adopted at the twentieth Meeting of States Parties to UNCLOS, as well as the progress made within the framework of its Informal Working Group to address the Commission's growing workload. We call on States Members of the United Nations and UNCLOS States parties to continue efforts to adopt measures that will allow the Commission to perform its functions under the Convention expeditiously, efficiently and effectively, while maintaining its high level of quality and expertise.

We commend the International Seabed Authority for adopting, at its sixteenth session, the Regulations on Prospecting and Exploration for Polymetallic Sulphides in the International Seabed Area beyond the limits of national jurisdiction. We are following with interest the decision by the Authority's Council to submit a request to the Seabed Disputes Chamber for an advisory opinion on the responsibility and liability of sponsoring States for activities in the Area. Such developments show that the institutions established by UNCLOS are being turned to for management of the world's ocean affairs.

My country recognizes the pivotal role of international cooperation and coordination in managing and conserving the world's oceans, as well as their impact on national maritime economies. We therefore continue to support and participate in the Open-ended Informal Consultative Process on Oceans and the Law of the Sea and the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects. My delegation fully shares the views expressed by many members of the Group of 77 and China that international cooperation for capacity-building in ocean affairs and the law of the sea, in particular the transfer of technologies to developing countries, should be further strengthened.

Viet Nam is a coastal State. Much of its land is open and adjacent to the South China Sea, which is known to the Vietnamese people as the Eastern Sea. Generations of Vietnamese, in particular those living in coastal areas and on our many islands, have made their

living on the sea. The Government of Viet Nam has decided to develop a maritime economy, which it considers an important development strategy for our country in the twenty-first century. The Government has adopted an overall maritime economic plan to 2020, under which all policies and plans must hew to the principle of an ecosystem-based economy. The overall plan includes four concrete targets: acquiring modern marine scientific knowledge and technologies; creating an efficient and sustainable maritime economy that is integrated into the world economy; applying multidisciplinary management of the sea; and ensuring possession of the capacity to safeguard our national security, sovereignty and interests.

As part of achieving the successful implementation of the maritime economic plan, the Government of Viet Nam recognizes the importance of maintaining an environment in the South China Sea that is conducive to the promotion of legitimate and sustainable uses of the Sea and the resources therein, in accordance with UNCLOS. To that end, Viet Nam, other members of the Association of Southeast Asian Nations and China have signed the Declaration of the Conduct of the Parties in the South China Sea.

The Declaration underlines the need to maintain peace, stability and cooperation, calls for the peaceful resolution of disputes in accordance with universally agreed principles of international law, including the 1982 Convention on the Law of the Sea and other relevant international maritime laws, and promotes confidence-building measures through cooperative projects in marine environmental protection, marine scientific research, the safety of navigation and communication at sea, search and rescue operations and combating transnational crime, including, but not limited to, trafficking in illicit drugs, piracy and armed robbery at sea and illegal trafficking in arms.

At the thirteenth ASEAN-China Summit, held on 29 October in Hanoi, ASEAN and Chinese leaders reaffirmed their commitment to fully and effectively implement the Declaration and to work towards the eventual consensus adoption of a code of conduct in the South China Sea to further contribute to peace, stability and cooperation in the region.

Within the framework of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, Viet Nam is joining efforts with the other States parties to contain

this scourge in the South China Sea through information-sharing and law enforcement cooperation. We look forward to continuing our efforts to strengthen initial cooperation in that connection.

**Mr. Tladi** (South Africa): I thank you, Sir, for giving us the floor on the very important topic of oceans and the law of the sea. We wish to thank the Secretary-General for his reports (A/65/69, A/65/69/Add.1 and A/65/69/Add.2). We also thank the Division for Ocean Affairs and the Law of the Sea and wish to express our appreciation to the coordinators of the two draft resolutions (A/65/L.20 and A/65/L.21) before us today, Ambassador Henrique Valles and Ms. Holly Koehler. This debate gives us an opportunity to reflect on our activities over the sixty-fourth session and to look forward to forthcoming activities during the sixty-fifth session.

As always, our consideration of all issues pertaining to oceans and the law of the sea should be constantly guided by the United Nations Convention on the Law of the Sea (UNCLOS) which, as the General Assembly has asserted and continues to reassert, constitutes the legal framework within which all ocean issues are to be governed. My delegation remains steadfast in its view of the Convention as the constitution of the oceans.

My delegation is unwavering in its belief in the qualitative and universal character of UNCLOS and that large parts of it constitute customary international law, which is binding on all States, whether a State party or not. We continue to hold on to the hope that, in the near future, all Members of the United Nations will accede to the Convention so as to achieve the quantitative universality of this, the constitution of the oceans.

We also hope that those States parties that are not as yet party to the two implementing agreements of the Convention, namely, the Agreement relating to the implementation of Part XI of the Convention on the Law of the Sea of 10 December 1982 and 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, will accede to those agreements sooner rather than later.

We welcome the outcome of the negotiations on the omnibus draft resolution on oceans and the law of

the sea (A/65/L.20). We also welcome the fruitful deliberations on the fisheries draft resolution (A/65/L.21). We are also pleased to welcome the conclusion of the outcome of the resumed Review Conference on the Fish Stocks Agreement, held here in New York from 24 to 28 May. We were particularly pleased with the recommendations for the conservation and management of sharks, as contained in paragraph 6 (g) of the outcome of the Review Conference (see A/CONF.210/2010/7, annex). We therefore wish to emphasize the importance of enforcing the prohibition on shark finning.

We are pleased with the deliberations of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea under the theme "Capacity-building in ocean affairs and the law of the sea, including marine science". I think that this is a topic on which we can all agree; yet, for one reason or another, we struggle to implement the outcomes that we agree upon. We hope that some of the laudable plans and visions that we expressed in the course of that meeting will be made real in the coming year and beyond.

It should come as no surprise that my delegation is pleased that the mandate of the Process has been extended, although we would add that we would have wished for the mandate to be extended for a longer period. In the context of the topics to be discussed, allow me to remind the Assembly that in the course of our deliberations last year, we agreed on a process to identify the best possible topics. We also agreed that, in the course of both the Informal Consultative Process and the consultations on the omnibus draft resolution, we would set aside sufficient time for the consideration of the selection of topics to ensure that the topics chosen provided for meaningful discourse to contribute significantly to the mandate of the General Assembly in oceans issues. Unfortunately, this did not happen this year. We hope that more time will be allocated for this purpose in the future.

Having expressed our concern about the Process, let us nonetheless express our full support for the topics selected for the next session of the Process, namely, "Contributing to the assessment, in the context of the United Nations Conference on Sustainable Development, of progress to date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development and addressing new and emerging challenges".

One of the major areas of contention in respect of the Process is the outcomes. Many delegations have expressed concern about the fact that, in recent years, the Consultative Process has turned into a negotiating forum, sometimes usurping the responsibility of the General Assembly and often concluding its work at very late hours. While my delegation shares those concerns, particularly in respect of the often-late conclusions of the deliberations, we remain unconvinced that these concerns justify the conclusion that agreed consensual elements should necessarily never be adopted by the meeting. We believe that, where possible and without forcing the issue, the Informal Consultative Process should be able to adopt agreed consensus elements with a view to assisting the General Assembly in its consultations on the omnibus draft resolution.

Because my delegation attaches great importance to the principle of the common heritage of humankind, we continue to push for the early implementation and operationalization of this principle, as reflected in Part XI of the Convention. For that reason, my delegation is an active participant in the deliberations of the International Seabed Authority. We are pleased that, last year, the Authority was able to finalize its consideration of the regulations on polymetallic sulphides. During the Authority's last session, in 2009, members of the Council were able to agree on the last outstanding issues, namely, the anti-monopoly clause and the overlapping claims question. We are hopeful that the spirit illustrated by the members of the Council at the last session will be continued as we begin consideration of the regulations for prospecting and exploration for cobalt-rich ferromanganese crusts.

My delegation has noted with pleasure the decision of the Council to request an advisory opinion from the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea regarding the rights and responsibilities of sponsor States with respect to activities in the Area. That is important not only for the promotion of certainty but also to facilitate the effective protection of the marine environment during the conduct of activities in the Area.

Moreover, on a number of occasions my delegation has stressed the importance of advisory opinions for the promotion of the rule of law at the international level. In our statement to the General Assembly on the report of the International Court of Justice in 2009, we said that given the lack of a

compulsory system for the judicial settlement of disputes, States interpret their international law obligations in different, often conflicting, ways. This also has a negative impact on the advancement of the rule of law at the international level and may even lead to, in addition to the obvious uncertainty, the creation of conflict situations. The particular ills caused by auto-interpretation would be remedied, or at least greatly reduced, by regular recourse to international mechanisms for the pacific settlement of disputes, including requests for advisory opinions.

Another factor that has a negative impact on the full implementation of Part XI of the Convention has to do with the difficulties encountered in the establishment of the outer limits of the continental shelf as provided for in article 76 of the Convention. We are all aware of those difficulties. We recognize that, as we endeavour to resolve them, there will be interests and countervailing interests pushing and pulling us towards different solutions. While balancing all of them, we hope that the meeting of States parties will reach a decision to facilitate the timely consideration by the Commission on the Limits of the Continental Shelf of the submissions of States for extended continental shelves.

The Ad Hoc Open-Ended Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction remains an important forum for the consideration of the principle of the common heritage of humankind. My delegation is concerned at the slow progress in dealing with the question of the legal regime applicable to marine genetic resources in the deep seabed beyond areas of national jurisdiction. We are in no doubt that the principle of the common heritage of humankind is applicable to marine genetic resources in the deep seabed beyond areas of national jurisdiction. As we have observed on many different occasions, the logic of the Convention is based on a zonal approach to regulation. It is therefore not the nature of the resources that determines the applicable regime, but rather the maritime zone in which the resources are found.

Nonetheless, we recognize that others hold a somewhat different position. For that reason, my delegation has called for, and continues to call for, the institutionalization of the Ad Hoc Working Group with a view to elaborating an instrument to deal with the question of the legal regime with finality. We cannot,

however, continue with the meaningless restatement of position that characterizes the consideration of this particular issue.

Allow me, however, to restate that our position is rooted in the call for solidarity that is embodied in sustainable development. That position is consistent with modern international law and is concerned with the greater good, not only the bilateral rights and obligations approach embodied in classical international law, on which the Grotian insistence on blind adherence to the freedom of the seas is based. It is that insistence on the freedom of the seas that, in our view, is responsible for the degradation of the marine environment that so threatens our oceans.

In that context, I wish to remind the General Assembly of what my delegation has said, again on more than one occasion, namely, that

“the common heritage of mankind principle is not solely about benefit sharing. It is just as much about conservation and preservation. The principle is about solidarity; solidarity in the preservation and conservation of a good we all share and therefore should all protect. Solidarity also implies joint efforts to ensure that this good, which we all share, is for all our benefit.”  
(A/64/PV.56, p.23)

**Ms. Leal Perdomo** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): Aware of the very important role that oceans and seas play in meeting the food requirements of human beings and of the fact that they constitute “a central component in the world system for sustaining life and a valuable resource that contributes to achieving sustainable development” (A/64/PV.57, p.19), the Bolivarian Republic of Venezuela reaffirms the importance we attach to the subject of oceans and the law of the sea. My country’s public policy therefore pays the greatest attention to this issue, as is widely and clearly reflected in our national legislation and the plans and programmes drawn up and implemented in accordance with criteria and principles on the conservation and sustainable use of marine resources.

In that connection, the Bolivarian Republic of Venezuela has been particularly attentive to developments and events at the international level regarding the subject of oceans and seas, in particular the meetings of the United Nations Open-ended Informal Consultative Process on Oceans and the Law

of the Sea held here at United Nations Headquarters in September and November. We believe that the Consultative Process is a forum for political and technical consultation open to States and interested bodies in order to assess the development of the marine environment worldwide. From that standpoint, we believe that it is essential to maintain the Process as a forum within the United Nations, as we think that it provides the necessary framework for synergy among the major international instruments related to the environment that will make it possible to achieve consistency in matters related to oceans and seas, and thus remedy the legal gaps in the law of the sea.

In our view, the consideration of this issue must be closely linked to the concept of sustainable development. In that regard, we must, among other things, further develop the role of oceans in matters relating to the eradication of poverty, food security and the interrelationship between oceans and climate change.

With regard to climate change, we share the concern about and the interest expressed in gaining further knowledge of the scope of that interrelationship, in particular in connection with promoting worldwide awareness of the impact of climate change on marine ecosystems, especially on low-lying coastal areas and island States, with full respect for the standards and principles laid down in the United Nations Framework Convention of Climate Change and the Kyoto Protocol, which are currently the subject of the sixteenth Conference and sixth Meeting of the Parties, respectively, in Cancún.

We would also like to take the opportunity afforded by this debate on oceans and the law of the sea to underscore our concern at what, in our view, is the inadequate implementation of the international legal framework on the management and conservation of genetic resources beyond national jurisdiction. The delegation of Venezuela believes that this forum should address all United Nations conventions on biological diversity. It is therefore unacceptable to my delegation that the management of such resources should be decided through a legal regime that excludes some parties. Meanwhile, we firmly support the need for further research seeking to reach the scientific certainty needed to guide the international community in adopting the best decisions to protect and preserve the marine environment and its living resources against

such factors as pollution, degradation or any other element that could threaten its existence.

From the viewpoint of the Bolivarian Republic of Venezuela, the changing reality and dynamic of the current world view demonstrate that the United Nations Convention on the Law of the Sea of 10 December 1982 does not cover, either in its text or in its additional agreements, the treatment of all aspects that the international community must address with regard to issues pertaining to oceans and seas. My delegation would therefore like to assert the key role of such international instruments in dealing with marine and coastal biological diversity beyond national jurisdiction, as reflected in decision IX/20 of the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity, which was held in Bonn, Germany, in 2008.

With regard to the draft resolution (A/65/L.21) on sustainable fisheries and 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 the Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and associated instruments, Venezuela would like to underscore that this is a highly sensitive matter and constitutes an area of priority importance for our country. We have therefore undertaken significant initiatives to promote and implement programmes for the conservation, protection and management of marine biological resources.

Our national law on fisheries and aquaculture sets out penalties to be imposed on vessels flying national flags that illegally extract resources without due State authorization, as well as for those that enter into jurisdictional waters without submitting the obligatory authorizing documents. Such situations are reported to the vessel's flag State. With respect to highly migratory fish stocks, we also maintain a register of vessels that is regularly transmitted to regional fisheries management organizations (RFMOs) for approval and follow-up in accordance with their regulations, as well as to enhance transparency. In addition, Venezuelan legislation prohibits bottom trawling, as a measure to promote sustainable development, in particular the development of fish stocks.

At the international level, Venezuela has implemented principles of the Code of Conduct for Responsible Fisheries under chapter 18 of Agenda 21,

adopted at the United Nations Conference on Environment and Development, which was held in Rio de Janeiro in 1992. Venezuela also participates actively in the Committee on Fisheries of the Food and Agriculture Organization of the United Nations and its subsidiary bodies, as well as in RFMOs, including the Western Central Atlantic Fishery Commission, the Latin American Fisheries Development Organization, the Commission for Inland Fisheries of Latin America, the International Commission for the Conservation of Atlantic Tunas, and the Inter-American Tropical Tuna Commission.

The Bolivarian Republic of Venezuela attributes the greatest importance to its participation in joint initiatives to combat illegal, unreported and unregulated fishing. In that regard, our Government has adopted the measures necessary to tackle that issue through ongoing reporting of the position and legal status of flag vessels on the high seas to the regional fisheries management organizations to which it belongs. Furthermore, Venezuelan law provides for the installation of satellite geopositioning equipment and devices in fishing vessels larger than 10 units of gross tonnage

Our delegation reaffirms Venezuela's commitment to cooperate with multilateral efforts and initiatives seeking to promote the sustainable development of oceans and seas. We therefore advocate implementing an international legal framework that incorporates all regional and international agreements that regulate the conservation and sustainable use of marine resources.

The Venezuelan State wishes to reiterate before the General Assembly its historic position, maintained in various international forums, namely, that the United Nations Convention on the Law of the Sea is not the sole source of the law of the sea, and we object to it being considered as such. Moreover, it is worth underscoring that the Convention also does not enjoy universal participation, inasmuch as a significant number of States are not party to that Convention.

**Mr. Dabbashi** (Libyan Arab Jamahiriya) (*spoke in Arabic*): At the outset, allow me to express my appreciation for this opportunity to pay tribute to the Consultative Process on the law of the sea this year. It is a useful forum to exchange experiences, in particular regarding the sustainable development of the seas, the management of marine resources and the preservation

of the marine environment. Here, I would like also to pay tribute to the Co-Chairs who have led this Consultative Process.

My country has participated effectively in the three United Nations Conferences on the Law of the Sea. Libya contributed to the discussions and negotiations that ultimately led to the drawing up of the United Nations Convention on the Law of the Sea. Libya will always look forward to participating with other States in all activities that contribute to the proper management of the oceans and seas in such a way as to serve humanity and to preserve maritime resources.

My country was among the first to sign that Convention. However, some of its provisions are likely to deprive us of our historic rights with regard to waters over which we have exercised sovereignty for hundreds of years. That has not allowed us yet to ratify the Convention. Thus, we support the appeals for an overall review of the Convention in order to meet the concerns of those countries that have not yet ratified it and to ensure its universality, since the Convention is the result of huge efforts on the part of the international community over the years.

The international community, both States and institutions, in particular the United Nations General Assembly, must work more rapidly and with greater cooperation to take appropriate measures and agree on arrangements to protect the marine environment, halt pollution at sea and preserve all endangered marine species. Action is needed to improve fishing practices and to preserve fish stocks. Libya supports all efforts to preserve the wealth of the oceans as the common heritage of humanity, including the commitment to the guiding principles of the Food and Agriculture Organization of the United Nations with regard to the management of fisheries on the high seas, in order to strengthen the monitoring and assessment of the effects of fishing activities. Moreover, Libya appeals for further exchanges of scientific experiences relating to the exploration of polymetallic nodules, manganese nodules, sulphides and cobalt-rich crusts in order to ensure a fair and equitable distribution of such resources, free of any monopoly in terms of research and experience.

*The President returned to the Chair.*

Illegal and chaotic exploration and use of resources has been harmful to developing countries, in

particular African countries. That continues to be a source of concern, in particular when they involve activities taking place virtually openly near the shores of African countries in zones that fall under the sovereignty of those States under recognized rules of international law. Unfortunately, such acts of aggression against African marine resources are exacerbated by the fact that most African countries lack the necessary resources and capacity to monitor their shores effectively, which has given rise to many problems, in particular piracy off the coast of Somalia, the exploitation and exhaustion of Somalia's resources and the unscrupulous dumping of toxic wastes off the coast of Somalia, which has exacerbated the problems caused by piracy, making it uncontrollable over the past few years.

Migration and drug trafficking at sea are other difficulties facing the international community. Over the past few years, Libya, with one of the longest Mediterranean coastlines, has assumed a heavy burden in combating illegal immigration across the Mediterranean. Despite our considerable appreciation for certain aspects of cooperation with our regional partners, the material and human costs of such migration continue to rise. Naturally, Libya cannot continue to bear that burden alone. Recently, Libya set up a monitoring system, including the establishment of 15 monitoring checkpoints along the Libyan coast to control illegal immigration by boat towards Europe, as well as two major crossing points in Tripoli and Benghazi. Libya, in so doing, is attempting to counter smuggling of persons and drugs, as these are serious crimes that endanger international peace and security. That is a costly objective for us, but all those who are affected must shoulder their part of the burden and participate in capacity-building and the relevant technology transfer, since that is a problem shared by all of the developing countries.

My country encourages all regional arrangements concerning fisheries, the sustainability of fisheries, and combating maritime pollution. Libya is a party to all of the bilateral, regional and international arrangements and conventions in this area. We expect the optimal implementation of maritime security standards and to preserve seas and oceans from pollution. After all, Libya has one of the longest coast lines of the Mediterranean.

Libya also encourages cooperation between the countries of the South, in particular between Africa and

South America, regarding oceans and seas, management of maritime resources and the use of the resources of the continental shelf.

**The President** (*spoke in French*): In accordance with General Assembly resolution 51/6 of 24 October 1996, I now call on His Excellency Mr. Nii Allotey Odunton, Secretary-General of the International Seabed Authority.

**Mr. Odunton** (International Seabed Authority): Allow me first of all to congratulate you, Mr. President, on your election to the presidency of the General Assembly at its sixty-fifth session. I have every confidence in your ability to guide the Assembly to a successful conclusion.

I wish to refer to the two draft resolutions before the General Assembly (A/65/L.20 and A/65/L.21) and express my appreciation to Member States for their positive references to the work of the International Seabed Authority.

I also express appreciation for the very comprehensive report of the Secretary-General, which, as always, provides detailed background material for our consideration (A/65/69).

I would like to take this opportunity to comment on paragraph 42 of draft resolution A/65/L.20, in which the Assembly welcomes the adoption at the sixteenth session of the Authority of the regulations for prospecting and exploration for polymetallic sulphides. That was indeed an important achievement for the Authority. It was made possible by the positive commitment shown by Member States to conclude the negotiations on the draft regulations, and I wish to thank all members of the Authority for their cooperation.

I mentioned last year that one of the reasons why it was so important to establish a regulatory framework for sulphide exploration was because of the possibility that one or more States would wish to apply for exploration licences in the near future. I am pleased to inform the Assembly that, since the adoption of the regulations, two States have submitted applications for exploration licences. Information regarding one of those applications has already been circulated among Member States. Information on the other, which was submitted only recently, will be circulated in due course.

Both applications will be considered in accordance with the procedures laid down in the new regulations at the next session of the Authority in 2011. I wish to note, however, that both applicants have expressed in their applications the intention to take up the option provided for in the regulations, namely, equity participation in a joint-venture operation with the Enterprise once commercial exploitation begins. The adoption of the new regulations and the submission of the new applications is an extremely important development in the life of the Authority and in the development of the regime for the Area as a whole.

Throughout the process of negotiating the regime, from the work of the Seabed Committee in the 1960s to the Preparatory Conference in the 1990s, the focus was on only one seabed mineral resource, namely, polymetallic nodules. The huge technological and financial challenges involved in recovering nodules from great depths have led to long delays in making possible the exploitation of those resources on a commercial scale.

That, in turn, led many to question whether seabed mining would ever take place at all. The fact is, however, that not only are active research and development programmes for nodule mining continuing, but, in addition, geologists and engineers have been actively seeking out new resources and new areas of interest as potential sources of seabed minerals.

One of the key drivers of that activity is the fact that a robust legal and jurisdictional framework exists for the regulation of activities in the Area. The new set of regulations for exploration for polymetallic sulphides is a further development of that framework and sends an important signal to the mining community that the Authority is able to carry out its functions under the Convention effectively and efficiently and in such a way as to provide legal certainty and security of tenure for those wishing to play a part in developing the common heritage of humankind.

The next step for the Authority, if seabed mining is to become a commercial reality, is to begin to progressively examine the issues relating to the nature of the regulatory framework that would apply beyond the exploration phase. Many of those issues were left pending, as a result of the 1994 Agreement relating to the implementation of Part XI of the Convention. How

some of the critical legal and financial questions are addressed will be an important factor in eventually determining whether investment in the seabed mining industry will take place or not.

Another milestone for the Authority in 2010, also referred to in paragraph 43 of draft resolution A/65/L.20, was the decision by the Council of the International Seabed Authority to request an advisory opinion from the Seabed Disputes Chamber.

That was a highly significant development for the Convention regime as a whole. The making of the request and the manner in which it was dealt with by the Council and the Chamber demonstrate that the system set out in the Convention works. The fact that the Authority and its political organs are willing and able to respond to difficulties in the interpretation of provisions of the Convention in a responsible and constructive manner should give great comfort to individual States parties, as well as to the future seabed mining industry. The Chamber itself acted expeditiously in dealing with the request, and I wish to place on record my appreciation to Judge Tullio Treves, the President of the Seabed Disputes Chamber, and his colleagues for their diligent and judicious consideration of the request.

The making of the request shows that, while there are provisions in the Convention that are difficult to understand and apply in the light of changing circumstances, there is a strong willingness on the part of States parties and others to do what is necessary to make the provisions work in practice.

A total of 15 States parties and four intergovernmental organizations made extensive written and or oral submissions to the Chamber. The strong interest and commitment of States parties to ensuring the integrity of the legal regime contained in the Convention is one of the most remarkable features of the Convention, compared to many other global rule-making treaties, and, again, should provide important reassurance, not only to the future seabed mining industry but also to the many other global ocean-related industries.

Draft resolution A/65/L.20 places particular emphasis on measures for the protection and preservation of the marine environment, including marine biological diversity, in areas beyond national jurisdiction. That is a matter that has always been of particular concern of the Authority, which has a legal

duty to elaborate rules, regulations and procedures to ensure the effective protection of the marine environment from the potential harmful effects of seabed mining.

In that regard, I take particular note of paragraph 153 (c) of the draft resolution, which recalls the need to be guided not only by the Convention and its implementing Agreements but also by other commitments made by States, such as those contained in the Convention on Biological Diversity and the declarations of the World Summit on Sustainable Development.

That is an important reminder that, while the Authority has a very specific and exclusive mandate under Part XI of the Convention and the 1994 Agreement relating to the implementation of Part XI of the Convention, it cannot act in isolation from other parts of the legal regime concerned with marine areas beyond national jurisdiction. Similarly, those bodies concerned with the implementation of the legal regime for areas beyond national jurisdiction must abide by the measures developed by the Authority with respect to the Area.

During the past year, the Authority has cooperated extensively with other bodies and organizations concerned with marine areas beyond national jurisdiction, including the Convention on Biological Diversity and the Regional Seas Programmes, and I look forward to continuing and enhancing that cooperation in the future.

One illustration of the way in which the Authority is beginning to implement the global commitments that have been made by Member States for the protection and preservation of marine biodiversity is the current effort to formulate a regional environmental management plan for the Clarion-Clipperton Zone in the Central Pacific Ocean. That is a vast area extending over 4,000 kilometres from east to west and 1,500 kilometres from north to south and is considered the prime area of interest for nodule mining.

Over the past four years, the Authority has been developing a geological model of the Zone. That project, which was completed this year, is the most comprehensive and detailed scientific study of the geology and environment of the seafloor to have been carried out to date. It significantly enhances our understanding of the way in which mineral deposits form on the seafloor and how geochemical and

geophysical conditions affect the marine environment at great depth.

The next step is to formulate a regional environmental management plan for the area. Last month, the Authority convened an international workshop, whose participants included representatives of Member States, contractors with the Authority, and other scientists and experts, to advise on such a plan. The workshop identified a number of critical issues that need to be addressed in order to achieve the objective of maintaining the biodiversity, ecosystem structure and ecosystem function in that region.

That includes strategies for the establishment of comprehensive environmental databases and standardized taxonomies and the calibration of various data sets in order to enable the Authority to issue reliable environmental quality status reports and impact assessments before commercial mining begins.

Concern for the marine environment is fully reflected in the Authority's regulations, which require exploration contractors to collect environmental data and share them with the Authority, to carry out environmental studies of the conditions at the ocean floor and to progressively conduct assessments of the impact of the contractors' activities on the marine environment.

However, one of the major difficulties for the Authority, and for any other institution dealing with the problems of managing biodiversity in the deep ocean, is the lack of adequate data on which to base decisions. In that regard, the major contribution of the Authority has been its work in collecting and standardizing available data relating to the deep sea environment.

That work has been carried out in collaboration not only with contractors, but also with leading scientists and relevant international research programmes, including the Census of Marine Life. As a global institution, the Authority is well placed to promote standardization in data collection methods and taxonomy. It is equally well placed to act as a repository for those data, and, in accordance with its mandate under the Convention, to promote and encourage research programmes using those data and to disseminate the results for the benefit of all States.

In that regard, the Authority has recently begun to develop a new initiative in cooperation with the Government of Brazil. The objective of that project is

to work with Brazil and other countries bordering the Equatorial and South Atlantic Oceans to collect, analyse and integrate geological information on seabed mineral resources in that area and to make it broadly available to Member States and others interested in those resources.

I wish to briefly mention the Authority's Endowment Fund for Marine Scientific Research in the Area. In the two years of its operation, the Fund has already provided training and research opportunities for some 20 individuals from developing countries. One of the remarkable aspects of the Fund has been the strong interest expressed by leading scientific and technical institutions around the world in collaborating with the Authority to provide training opportunities of that nature.

That clearly indicates that there is a great willingness on the part of the scientific community worldwide to share its knowledge and experience for the benefit of the developing world. At this time, the Fund is supporting three research fellowships at the National Oceanographic Institute of India, and we have been pleased to provide support to the Rhodes Academy of Oceans Law and Policy for the past two years.

At the same time, there is much more that can be done, and I wish to encourage Member States to make further financial and other contributions in order to further enhance the use and effectiveness of the Fund, including through co-funding initiatives.

Finally, I wish to say that I look forward to the widest possible participation by all members in the seventeenth session of the Authority from 11 to 22 July 2011. It will be an important session, with a crowded and substantial agenda, including consideration of the outcome of the advisory opinion of the Seabed Disputes Chamber, as well as consideration of the two new applications for exploration licences.

If the decisions of the Assembly and Council are to command support in the long term, it is the duty of all members to attend and participate in the work of the Authority.

**The President** (*spoke in French*): 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.

**Mr. Cohen** (International Union for the Conservation of Nature): The International Union for the Conservation of Nature (IUCN) welcomes the draft resolutions put forward this year for consideration by the General Assembly.

The General Assembly proclaimed 2010 as the International Year of Biodiversity. The Secretary-General noted, in a message early in the Year, that over the past half century human activity has caused an unprecedented decline in biological diversity. Species are becoming extinct at a rate a thousand times faster than the natural rate, a loss now being further compounded by climate change. A wide variety of environmental goods and services that we take for granted is under threat, with profound and damaging consequences for ecosystems, economies and livelihoods. In 2002, world leaders agreed to substantially reduce the rate of biodiversity loss by 2010. The 2010 biodiversity target was subsequently integrated into the Millennium Development Goals. It will, however, not be met.

With respect to the oceans, the Secretary-General has reminded us that climate change and ocean acidification are destroying coral reefs. Fisheries are increasingly overexploited, condemning millions of the world's poorest people to unemployment and malnutrition. We must conserve coral reefs, so that they can continue to protect coasts from storms and support livelihoods for hundreds of millions of people. We must ensure the long-term viability of our seas and oceans.

We welcome the draft resolutions (A/65/L.20 and A/65/L.21) that have been put forward this year, and we specifically welcome the language in them on the need to protect marine biodiversity, including references to the programme of work of the Convention on Biological Diversity (CBD). In Nagoya, the parties adopted a Strategic Plan with 20 headline targets. With regard to marine and coastal areas, the parties at Nagoya committed to ensure the conservation by 2020 of at least 10 per cent of such areas through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures. That target also reflects the commitment made at the World Summit on Sustainable Development in 2002 to establish representative networks by 2012.

Draft resolution A/65/L.20 encourages States to make further progress towards the 2012 target, including the establishment of representative networks, and calls on States to further consider options to identify and protect ecologically or biologically significant areas, consistent with international law and on the basis of the best available scientific information.

My delegation urges effective and meaningful measures to attain the 2012 target. The draft resolution reiterates the General Assembly's central role in the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. We would welcome explicit language in 2011 that calls on States to work together to establish marine protected areas on the high seas, together with management plans for those areas. Progress towards the target could also be made by calling on States to cooperate with each other to ensure that their vessels and nationals respect the management plans and boundaries of protected areas established on the high seas through intergovernmental organizations, even where States may not themselves be members of those organizations. All States would benefit from such a cooperative arrangement, because we all depend on healthy and vibrant seas.

This year's draft resolution notes the work of a CBD Expert Workshop on scientific and technical aspects relevant to environmental impact assessment in marine areas beyond national jurisdiction, which was held in Manila in 2009. At the fourth World Conservation Congress, held in Barcelona in 2008, IUCN members, composed of States, Government agencies and non-governmental organizations, adopted language urging the General Assembly to call on States to develop assessment processes, including the assessment of the cumulative impacts of human activities with a potential for significant adverse impacts on the marine environment, living marine resources and biodiversity in areas beyond national jurisdiction; and to ensure that assessed activities with the potential for such significant adverse impacts are subject to prior authorization by the States responsible for nationals and vessels engaged in those activities, consistent with international law, and that such activities are managed to prevent such significant adverse impacts, or not authorized to proceed.

The resumed Review Conference of the 1995 United Nations Fish Stocks Agreement, which took place in May, recommended, inter alia, that parties give effect to article 5(d) of the Agreement to assess the

impacts of fishing, other human activities and environmental factors on target stocks and species belonging to the same ecosystem or associated with or dependent on the target stocks.

My delegation looks forward to progress in the coming year on the application of environmental impact assessment and strategic environmental assessments to ensure that all activities likely to be harmful to marine biodiversity will be assessed in advance and managed to prevent significant adverse impacts. Such work should build on the outcomes of the CBD Expert Workshop, as well as on the experience that parties to the Antarctic Treaty have developed in the application of environmental impact assessment procedures for areas beyond national jurisdiction. That would benefit all.

The Strategic Plan adopted by the parties to the CBD also included as a 2020 target that all fish and aquatic plants be managed and harvested sustainably, including by applying ecosystem-based approaches, with recovery plans and measures in place for all depleted species. The impact of fishing on stocks, species and ecosystems should be within safe ecological limits. That mirrors the commitment made at the World Summit on Sustainable Development in 2002 to maintaining or restoring fish stocks by 2015 to levels that could produce maximum sustainable yield.

That 2015 target cannot be met, as there is not enough time now to restore stocks in four years. But we should commit, in keeping with the duty to cooperate that is incorporated into the Convention on the Law of the Sea, to ensuring that future management decisions made in regional fisheries management organizations and by individual States take fully into account the 2020 target that all fisheries impacts should be within safe ecological limits. In that regard, we note with concern a recent decision at the International Commission for the Conservation of Atlantic Tuna that does not provide for rapid progress to rebuild Atlantic bluefin tuna stocks to within safe ecological limits by 2020.

With regard to fishing, we note that it is now likely that there are no areas of the high seas where nationals of more than one State do not exploit identical or different living resources. There should thus be an obligation for States to cooperate to conserve and manage such living resources in all areas of the high seas. We therefore urge consideration of the

possibility of banning fishing in high-seas areas where there are no cooperative conservation and management arrangements. To that end, States should prohibit their vessels and nationals from fishing in the high seas in areas or for stocks for which no conservation and management measures are currently in force, until such time as cooperative arrangements are established and operational.

A further CBD target is the reduction, by 2015, of anthropogenic pressures on coral reefs and other vulnerable marine ecosystems that would be harmed by the effects of climate change or ocean acidification. As my delegation noted last year, the Intergovernmental Panel on Climate Change identified coral reefs as a key example of an ecosystem vulnerable to climate change. Ocean acidification will accelerate the destruction of coral reefs. In 2010, coral bleaching has been found to have been severe in many areas. Through the Global Coral Reef Monitoring Network regular reports on the state of the world's coral reefs are available. A database on bleaching is maintained at reefbase.org. Natural coastal carbon sinks, including mangroves, sea grasses and salt marshes, must be protected, even as emissions of carbon dioxide and other greenhouse gases are reduced.

The coming year will be important because of the opportunities that it will provide to prepare for the United Nations Conference on Sustainable Development or Rio+20, to be held in Rio de Janeiro in May 2012. We look forward to working constructively with other delegations to ensure progress towards the conservation and equitable and sustainable development of marine biodiversity. We welcome the decision to focus the twelfth Meeting of the Open-ended Informal Consultative Process on the assessment of progress to date and on the remaining gaps in the implementation of the outcomes of the major summits on sustainable development, together with new and emerging challenges.

We also welcome the meeting in 2011 of the Ad Hoc Open-ended Informal Working Group to study issues related to the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, which we hope will make progress in finding ways forward to ensuring the conservation and sustainable and equitable use of that biodiversity.

In closing, we welcome the meeting of the General Assembly Ad Hoc Working Group of the

Whole to recommend a course of action on the Regular Process for global reporting and assessment of the state of the marine environment, including socio-economic aspects. The Regular Process and its assessments will help to build capacity and strengthen the science-policy interface for the conservation, management and sustainable use of the marine environment and help us to understand the ocean and its role in supporting all life on Earth.

**The President** (*spoke in French*): We have heard the last speaker in the debate on agenda item 74 and its sub-items (a) and (b).

We shall now proceed to consider draft resolutions A/65/L.20 and A/65/L.21.

Before giving the floor to the speakers in explanation of vote before the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats. I now give the floor for explanation of vote to the representative of the Bolivarian Republic of Venezuela.

**Ms. Leal Perdomo** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The delegation of the Bolivarian Republic of Venezuela wishes to make its explanation of vote regarding A/65/L.20, entitled "Oceans and the law of the sea".

Speaking before this global forum, Venezuela reaffirms its commitment to cooperating with the initiatives and endeavours aimed at enabling coordination on matters pertaining to the ocean and law of the sea in accordance with international law. In addition, within that legal framework, Venezuela certifies its obligation and firm commitment to support all efforts to strengthen the management of the conservation, integrated organization and sustainable use of the oceans and seas, in particular the marine ecosystem, because of its importance for the development and welfare of people.

However, the Venezuelan State emphasizes the position that it has taken in various international forums, where it has stated that the Convention on the Law of the Sea should not be deemed to be the sole source of law of the sea, in that there are other legal instruments regulating that area. Consequently, with regard to paragraph 65 of the draft resolution, we wish to emphasize that, pursuant to resolution 2749 (XXV), the principle of the common heritage of humankind is

the legal system applicable to marine diversity in the seabed and the oceans in areas beyond national jurisdictions. Nor should it be thought that the Convention enjoys universal participation, given that a significant number of States are not a party to it.

We believe that the reasons that have prevented the Bolivarian Republic of Venezuela from becoming party to the Convention on the Law of the Sea in the past are still valid. My delegation states that it will not vote in favour of the draft resolution before us. Because we are not a party to the Convention on the Law of the Sea of 10 December 1982, my country is therefore, not obliged to observe the Convention's provisions nor those of customary law other than those recognized or to be expressly recognized in the future by the Venezuela State by incorporating such provisions into its national legislation.

The Bolivarian Republic of Venezuela therefore wishes to state, once again, its historical position regarding the United Nations Convention on the Law of the Sea, believing that aspects of the text being put to the General Assembly for approval today require my delegation to abstain from the vote.

**The President** (*spoke in French*): We have heard the only speaker in explanation of vote before the vote.

The Assembly will now take a decision on draft resolutions A/65/L.20 and A/65/L.21. We turn first to draft resolution A/65/L.20, entitled "Oceans and the law of the sea". A recorded vote has been requested.

I now give the floor to the representative of the Secretariat.

**Mr. Botnaru** (Department for General Assembly and Conference Management): This oral statement is being made in accordance with rule 153 of the rules of procedure of the General Assembly.

In connection with draft resolution A/65/L.20, entitled "Oceans and the law of the sea", I wish to put on the record the following statement of financial implications on behalf of the Secretary-General.

By paragraphs 36, 67, 163, 203, 210, 211, 213, 215 and 228 of the draft resolution, the General Assembly would request the Secretary-General to convene the twenty-first Meeting of States Parties to the Convention in New York from 13 to 17 June 2011, and to provide the services required; approve the convening by the Secretary-General of the twenty-

seventh and twenty-eighth sessions of the Commission on the Limits of the Continental Shelf in New York from 7 March to 21 April 2011 and from 1 August to 2 September 2011, respectively, with full conference services for the plenary parts of those sessions, and request the Secretary-General to make every effort to meet those requirements within overall existing resources, on the understanding that the following periods will be used for the technical examination of submissions at the Geographic Information System laboratories and other technical facilities of the Division for Ocean Affairs and the Law of the Sea: from 7 to 25 March 2011, from 11 to 21 April 2011; request the Secretary-General to convene, in accordance with paragraph 73 of resolution 59/24 and paragraphs 79 and 80 of resolution 60/30, a meeting of the Ad Hoc Open-ended Informal Working Group to take place from 31 May to 3 June 2011 in order to provide recommendations to the General Assembly, with full conference services, and request the Secretary-General to make every effort to meet that requirement within overall existing resources; decide that the regular process will be overseen and guided by an Ad Hoc Working Group of the Whole of the General Assembly composed of Member States and request the Secretary-General to convene the first meeting of the Ad Hoc Working Group of the Whole from 14 to 18 February 2011; request the Secretary-General to designate the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, to provide Secretariat support for the regular process, including its established institutions; also request the Secretary-General to invite the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, the United Nations Environment Programme, the International Maritime Organization and the Food and Agriculture Organization of the United Nations, and other competent United Nations specialized agencies, as appropriate, to provide technical and scientific support to the regular process; request the secretariat of the regular process to convene a meeting of the Group of Experts, as appropriate and subject to the availability of the resources, prior to the first meeting of the Ad Hoc Working Group of the Whole; request the Secretary-General to promptly take appropriate measures, by mobilizing all available extrabudgetary and existing resources, including through the redeployment of staff, to further strengthen the capacity of the Division, in particular its human

resources serving as the secretariat of the regular process, including in the context of the programme budget for the current biennium and the proposed programme budget for the biennium 2012-2013; and request the Secretary-General to convene, in accordance with paragraphs 2 and 3 of resolution 54/33, the twelfth meeting of the Consultative Process in New York from 20 to 24 June 2011, to provide it with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division, in cooperation with other relevant parts of the Secretariat, as appropriate.

Pursuant to paragraph 36, 163 and 228 of the draft resolution, the twenty-first Meeting of States Parties to the United Nations Convention on the Law of the Sea, the Ad Hoc Open-ended Informal Working Group and the twelfth meeting of the Consultative Process on Ocean Affairs and the Law of the Sea have already been included in the 2011 calendar of meetings and conferences and therefore do not constitute an addition.

Pursuant to paragraph 67 of the draft resolution, it is envisaged that the Commission will require 20 meetings with interpretation services, from 28 March to 1 April 2011 and from 15 to 19 August 2011, which have already been included in 2011 calendar of meetings and conferences. However, the draft resolution calls for 10 additional days, for a total of 20 meetings from 4 to 8 April 2011 and from 22 to 26 August 2011, with interpretation in all six languages without documentation.

It should be noted that the 2011 calendar of meetings and conferences already includes 10 days of meetings for the twenty-first Meeting of the States Parties. However, paragraph 36 of the draft resolution envisions only five days of meetings. The resources from the remaining five days, for a total of 10 meetings planned for the States Parties, will be reallocated to the five days for a total of 10 additional meetings of the twenty-seventh session of the Commission from 4 to 8 April 2011. Therefore, for the five days of the Commission from 22 to 26 August 2011, 10 meetings with interpretation in the six official languages will be considered an addition, which would give rise to additional requirements of \$155,000 in the programme budget for the biennium 2010-2011, including requirements of \$122,500 under Section 2, General Assembly and Economic and Social Council affairs and conference management, and \$32,500 under

Section 28D, Office of Central Support Services, for other support services related to the additional 10 meetings.

Although the modalities contained in draft resolution A/65/L.20 exceed those planned by the Department for General Assembly and Conference Management in its draft calendar of conferences and meetings for 2010-2011, the Secretariat will seek to identify resources that could be redeployed from the provisions to be made under Section 2, General Assembly and Economic and Social Council affairs and conference management, and Section 28D, Office of Central Support Services, of the proposed programme budget for the biennium 2010-2011 in order to fully service the conferences.

As regards paragraph 203, it has been agreed between the Office of Legal Affairs and the Department for General Assembly and Conference Management that interpretation services from and into all six official languages for 10 meetings of the Ad Hoc Working Group of the Whole from 14 to 18 February 2011 would be provided on an as available basis.

Accordingly, should the General Assembly adopt draft resolution A/65/L.20, no financial implications would arise under the proposed programme budget for the biennium 2010-2011.

In accordance with paragraphs 210, 211, 213 and 215, the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, is to provide secretariat support to the Regular Process for global reporting and assessment of the state of the marine environment, including socio-economic aspects. Furthermore, the draft resolution requested the Secretary-General to mobilize all available extrabudgetary and existing resources to strengthen the capacity of the Division, serving as the secretariat of the regular process, in the context of the programme budget for the programme budget for the biennium 2010-2011 and the proposed programme budget for the biennium 2012-2013.

It should be emphasized that specific requirements relating to the servicing of some of the institutions under the regular process, such as the Group of Experts and the management review mechanism, are not addressed in the draft resolution. The Division is of the view that it would be able to provide from within the overall resources available under Section 8, Office of Legal Affairs, of the programme budget for the biennium 2010-2011 basic

services to the regular process in 2011, including the servicing of the General Assembly Ad Hoc Working Group on the Regular Process in February 2011.

However, specific needs for the strengthening of the Division's capacity, including in the context of the programme budget for the biennium 2010-2011, as well as the proposed programme budget for 2012-2013, would need to be reassessed following the first meeting of the Working Group on the Regular Process in February 2011, which is expected to further consider modalities for the implementation of the Process, including arrangements for the Group of Experts and the management review mechanism.

Accordingly, should the General Assembly adopt draft resolution A/65/L.20, no financial implications would arise under the proposed programme budget for the biennium 2010-2011.

The attention of delegations is drawn to the provisions of Section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

The attention of delegations is also drawn to paragraph 67 of the first report of the Advisory Committee on the proposed programme budget for the biennium 2000-2001, document A/54/7, which indicates that the use of the phrase "within existing resources" or similar language in resolutions has a negative impact on the implementation of activities. Therefore, efforts should be made to avoid the use of that phrase in resolutions and decisions.

I would like to announce that, since the issuance of draft resolution A/65/L.20, the following countries have also become sponsors of the draft resolution: Belize, Bosnia and Herzegovina, Cyprus, Fiji, Honduras, Indonesia, Jamaica, Luxembourg, Mexico, Micronesia, Papua New Guinea, Romania, Seychelles, Tonga, Trinidad and Tobago, Ukraine and the United States of America.

*A recorded vote was taken.*

*In favour:*

Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh,

Belgium, Belize, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Burkina Faso, Canada, Chile, China, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Peru, Philippines, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam, Yemen, Zambia

*Against:*

Turkey

*Abstaining:*

Colombia, Venezuela (Bolivarian Republic of)

*Draft resolution A/65/L.20 was adopted by 123 votes to 1, with 2 abstentions (resolution 65/37).*

**The President** (*spoke in French*): We turn next to draft resolution A/65/L.21, "Sustainable fisheries, including through the 1995 Agreement for the Implementations 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".

I now give the floor to the representative of the Secretariat.

**Mr. Botnaru** (Department for General Assembly and Conference Management): This oral statement is made in accordance with rule 153 of the rules of procedure of the General Assembly.

I would like to inform members in connection with draft resolution A/65/L.21, "Sustainable fisheries, including through the 1995 Agreement for the Implementations 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", that I wish to put on record the following statement of financial implications on behalf of the Secretary-General.

By paragraph 122 of the draft resolution, the General Assembly would request the Secretary-General, in cooperation with the Food and Agriculture Organization of the United Nations, to report to the General Assembly at its sixty-sixth session on the actions taken by States and regional fisheries management organizations and arrangements in response to paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 113 to 117 and 119 to 127 of resolution 64/72, in order to facilitate the further review of the actions taken, referred to in paragraph 129 of resolution 64/72. In accordance with paragraph 122 of the draft resolution, the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, plans to hire an expert consultant to assist in the preparation of the requested report, and the related costs would be absorbed from within the overall resources available under Section 8 of the programme budget for the biennium 2010-2011.

Accordingly, should the General Assembly adopt draft resolution A/65/L.21, no financial implications would arise under the programme budget for the biennium 2010-2011.

I would also like to announce that, since the issuance of draft resolution A/65/L.21, the following countries have also become sponsors of the draft resolution: Australia, Belgium, Belize, Cyprus, Fiji, Greece, Honduras, Malta, Micronesia, the Netherlands, Papua New Guinea, Portugal, Romania, Slovenia, Tonga and Ukraine.

**The President** (*spoke in French*): May I take it that the General Assembly decides to adopt draft resolution A/65/L.21?

*Draft resolution A/65/L.21 was adopted (resolution 65/38).*

**The President** (*spoke in French*): Before giving the floor to speakers in explanation of vote following the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

**Mr. Şahinol** (Turkey): Turkey voted against resolution 65/37 entitled "Oceans and the law of the sea" under sub-item (a) of agenda item 74. I would like to recall that the reasons that have prevented Turkey from becoming a party to the United Nations Convention on the Law of the Sea in the past remain valid. Turkey supports international efforts to establish a regime of the sea that is based on the principle of equity and is acceptable to all States. However, the Convention does not, in our opinion, provide sufficient safeguards for special geographical situations and, as a consequence, does not take into consideration conflicting interests and sensitivities stemming from special circumstances. Furthermore, the Convention does not allow States to register reservations to its articles.

Although we agree with the Convention in its general intent and with most of its provisions, we are unable to become a party to it owing to those prominent shortcomings. That being the case, we cannot support a resolution that calls upon States to become parties to the United Nations Convention on the Law of the Sea and harmonize their national legislation with its provisions.

As to resolution on sustainable fisheries, which was adopted under sub-item (b) of agenda item 74, I would like to state that Turkey is fully committed to the conservation, management and sustainable use of marine living resources and attaches great importance to regional cooperation to that end. In that context, Turkey supported resolution 65/38. However, Turkey disassociates itself from references made in that resolution to international instruments to which it is not a party. Those references should therefore not be interpreted as a change in the legal position of Turkey with regard to those instruments.

**Ms. Millicay** (Argentina) (*spoke in Spanish*): Argentina joined in the consensus to adopt resolution 65/38. However, we wish to indicate once again that none of the recommendations in that 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, adopted in New York in 1995, can be considered as binding on those States that have not expressly indicated their consent to fulfil obligations under that Agreement.

The resolution we have just adopted contains paragraphs relating to the implementation of the recommendations of the Review Conference on that Agreement. Argentina is of the view that those recommendations cannot be considered applicable, even as recommendations, to States that are not parties to the Agreement. Furthermore, this is particularly relevant in the case of States that disassociated themselves from those recommendations, as did Argentina.

Therefore, Argentina disassociates itself from the consensus reached by this Assembly with regard to the paragraphs of the resolution that refer to the recommendations of the Review Conference on the 1995 Agreement.

At the same time, Argentina wishes to point out that, under current international law, neither regional fisheries management organizations or arrangements, nor their member States, may adopt any type of measure with respect to vessels whose flag States are not members of such organizations or arrangements or have not expressly consented that such measures can be applied to the vessels flying their flag. Nothing in the resolutions of the General Assembly, including the one just adopted, can be interpreted in a manner contrary to this conclusion.

In addition, the implementation of conservation measures and the conduct of scientific research or any other activity recommended in the resolutions of the General Assembly, in particular resolution 61/105 and concordant resolutions, have as their unavoidable legal framework the international law of the sea in force, as reflected in the Convention, including its article 77 and Part XIII. Thus, the implementation of such resolutions does not constitute justification for denying or ignoring the rights established under the Convention. Nothing in that resolution or in others of the General Assembly is of such a nature as to affect the sovereign rights of coastal States over their continental shelf or the exercise of jurisdiction by coastal States with regard to their continental shelf under international law. Paragraph 119 of the resolution just adopted contains

an extremely relevant reminder of this concept, which is already reflected in resolution 64/72.

Finally, the growing disagreements relating to the contents of the resolution on sustainable fisheries seriously compromise the possibility of its being adopted by consensus in future sessions of the Assembly.

**Ms. Leal-Perdomo** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The delegation of the Bolivarian Republic of Venezuela wishes to provide the General Assembly its explanation of position on resolution 65/38, on 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.

Venezuela reaffirms its commitment to cooperating in initiatives and efforts intended to foster coordination on issues related to sustainable fisheries. However, as we have previously stated, and maintaining the reasons that have prevented the Bolivarian Republic of Venezuela from becoming a party to the 1995 Agreement, we confirm the historic position of Venezuela as having reservations with respect to 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, in the context of the resolution just adopted by the General Assembly.

**Mr. Berguño** (Chile) (*spoke in Spanish*): For my delegation, among the most significant points of resolution 65/38, which we have just adopted, are the reference to the United Nations Convention on the Law of the Sea and its relationship to the 1995 Fish Stocks Agreement; the emphasis on the obligations of flag States to ensure that vessels flying their flag comply with the conservation and management measures adopted with respect to fisheries resources on the high seas; the call for the application of precautionary and ecosystem approaches; the emphasis on the serious nature of illegal, unreported and unregulated fishing, including the sovereignty of States over ports; the need for a genuine link between flag States and fishing vessels flying their flag; and the call for States to become parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal,

Unreported and Unregulated Fishing of the Food and Agriculture Organization.

In addition, operative paragraph 95 reflects the proposal made by Chile regarding the need to take into account the recommendations of the Science Working Group of South Pacific Regional Fisheries Management Organization regarding the adoption of future interim measures for pelagic resources. It is directly linked to the critical situation affecting the stock of jack mackerel and the related report prepared by the Science Working Group.

Regarding the recommendations of the Review Conference on the Fish Stocks Agreement, Chile wishes to emphasize the positive results contained in the outcome of the resumed Review Conference (A/CONF.210/2010/7, annex). I refer in particular its first two preambular paragraphs, which reaffirm that the United Nations Convention on the Law of the Sea and the Fish Stocks Agreement provide the legal framework for the conservation and management of straddling fish stocks and highly migratory fish stocks, and that all the provisions of the Agreement shall be interpreted and applied in the context of, and in a manner consistent with, the United Nations Convention on the Law of the Sea.

The Review Conference thus emphasized that full implementation and compliance with the conservation measures adopted in accordance with international law and based on precautionary criteria, and reliance on the best available scientific knowledge are necessary in order to ensure the long-term conservation and sustainable use of such fish stocks.

As far as the recommendations of the Conference are concerned, some are particularly relevant, such as the commitment to take urgent action to improve the situation of straddling and highly migratory fish stocks that are overfished or exhausted. Effective conservation and management measures must be taken, and efforts must be increased to improve cooperation between flag States fishing in the high seas and coastal States in order to ensure the compatibility of measures concerning the high seas in areas within national jurisdiction.

**Mr. Schuldt** (Ecuador) (*spoke in Spanish*): On behalf of the Republic of Ecuador, I wish to refer to an aspect of draft resolution 65/37, which we have just adopted, regarding biodiversity in areas beyond national jurisdiction.

The importance of marine biodiversity in areas beyond national jurisdiction is clear, and it is of significant environmental, social and economic importance. It can contribute to the development of science and improve health and food security. Ecuador firmly believes that all genetic resources in the seas and oceans and under the seabed in areas beyond the limits of national jurisdiction are the common heritage of mankind, as stated in General Assembly resolution 2749 (XXV), and must therefore be used for the benefit of all humanity. Thus, the exclusive exploitation of such resources by a few Powers has serious global socio-economic consequences and contradicts the aforementioned principle.

In that regard, Ecuador wishes to indicate that the Working Group established pursuant to resolution 59/24 on the conservation and sustainable use of marine biological diversity resources beyond areas of national jurisdiction must continue its work in accordance with the applicable legal framework based on implementation of the principle of the common heritage of mankind, as reflected in the United Nations Convention on the Law of the Sea. Ecuador thus supports the final text of resolution 65/37, it being understood that future discussion of the matters referred to in paragraph 165 of the resolution should be dealt with in the Ad Hoc Working Group, and in compliance with the aforementioned principle.

Lastly, regarding resolution 65/38, my delegation wishes to reiterate that, given the recommendations made by the resumed Review Conference this year, the resolution contains a contradiction. That is because in 2006, and in May this year, there was no examination or assessment of the suitability of the provisions of the New York Agreement, particularly since many States clearly indicated that those provisions constituted an obstacle to ratification. As long as that obtains, the provisions of that agreement are not binding on States non-parties to the 1995 Agreement.

**The President** (*spoke in French*): We have heard the last speaker in explanation of vote after the vote.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 74 and its sub-items (a) and (b)?

*It was so decided.*

*The meeting rose at 6.25 p.m.*