



# General Assembly

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Official Records

*President:* Mr. Jeremić ..... (Serbia)

*In the absence of the President, Mr. Salam (Lebanon), Vice-President, took the Chair.*

*The meeting was called to order at 10.10 a.m.*

## Agenda item 75 (continued)

### Oceans and the law of the sea

#### Commemoration of the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea

**Mr. Martinez Moreno** (El Salvador) (*spoke in Spanish*): El Salvador, which is one of the few States to have signed but not ratified the Convention we are celebrating today, believes that the Convention largely reflects the aspirations of humankind to a just and balanced legal regime and that the provisions of the Convention already constitute norms of customary international law that should be universally respected. My country therefore welcomes the 30 years during which that illustrious Convention has made a substantial contribution to developing useful legal principles, preserving the resources of the sea and maintaining a peaceful system for the settlement of disputes, all for the benefit of a better and more just world.

At this important juncture for the world, our commemoration of the opening for signature of the United Nations Convention on the Law of the Sea, the delegation of El Salvador regrets to inform the Assembly that, on 5 January in San Salvador, one of the architects of the new law of the sea, Mr. Reynaldo Galindo Pohl, passed away. Mr. Galindo Pohl distinguished himself

through his accomplished contributions to the debates held in various committees on the seabed and the law of the sea and as the Chairman of the Second Committee of the Third United Nations Conference on the Law of the Sea, which he presided over with dignity and impartiality, earning the overall respect of delegations.

His contribution to the development of the law of the sea legislation covered many different matters. Perhaps his greatest contribution was his promotion of balanced solutions on the nature and extension of maritime zones, which he achieved in a difficult atmosphere of clashing positions, where much was at stake. Even when faced with countless proposals that took antagonistic and sometimes completely opposite positions, he was able to hold serious discussions that gradually led to the reconciliation of the various positions until generally accepted norms were reached and included in the great Convention signed in Montego Bay. The many proposals made by that illustrious Salvadorean official, which were always scientifically sound, were largely accepted owing to their just and balanced nature.

The delegation of El Salvador would like to recall the contribution of Mr. Galindo Pohl to the development of the concept of the sea as the common heritage of humankind aimed at ensuring that the exploration for and use of resources in that region would be dedicated to peaceful ends and the benefit of all States, including landlocked States, thus contributing to the economic well-being of all of humanity, in particular the developing countries.

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The Salvadorean delegation believes that Mr. Galindo Pohl, in his wisdom, helped develop the doctrine of the law of the sea. His treatises on innocent passage and the freedom of navigation, on the regime for the exploration and exploitation of the international seabed area and on the resolution of disputes related to the law of the sea, among other studies, were praised at the time by many specialists, who welcomed their legal rationalism and balance in reconciling positions that were sometimes diametrically opposed.

In this meeting today, the delegation of El Salvador would like to state that it believes that, just as basic justice is an imperative, respect is due to those jurists like Reynaldo Galindo Pohl, who, as men of science and conscience, contributed to ensuring that the legal regime of the sea was founded on principles of international equity. Mr. Galindo Pohl deserves respect not only from his homeland, which he made proud with his exemplary conduct and legal and philosophical erudition and which has already recognized him for it, but also from the international community, which he served with such singular dedication.

**Mr. Haniff** (Malaysia): It is indeed a great honour for me to be speaking today as we commemorate the thirtieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). It would be an understatement for me to say that the Convention has served as an important framework for the governance and management of the sea. It is the most comprehensive instrument governing the conduct of States and the use of oceans.

At this juncture, we would like to align ourselves with the statement delivered at the 49th meeting by the Permanent Representative of the Republic of Korea, as Chair of the Group of Asia-Pacific States for the month of December. I would like to thank Mr. Tommy Koh, President of the Third United Nations Conference on the Law of the Sea, for his statement at the same meeting. My delegation would also like to pay a special tribute to the late Ambassador Arvid Pardo of Malta and the late Ambassador Hamilton Shirley Amerasinghe of Sri Lanka for their outstanding and remarkable contributions to the development of the process of managing the oceans and all its resources and related to the international law of the sea. Our deepest appreciation also goes to the Division for Ocean Affairs and the Law of the Sea for its contribution throughout the years.

Making up more than 70 per cent of the Earth's surface, the ocean is the largest component of Earth's surface. It is essential for the very existence of humankind. In today's world, it is not only a source of life, a provider of food and a means for transportation, but also a source of minerals and, more recently, thanks to new technology, an ever-growing provider of clean water and energy. Because of the ocean's vastness, it used to be thought that their resources were inexhaustible. However, with the growing needs of people for food, energy and resources, even the great oceans require protection. Furthermore, since time immemorial, the oceans and seas have been a source of conflict and wars. It is for that reason that, 30 years ago, the international community agreed on a comprehensive legal regime to govern the conduct of people and nations in the use of oceans and seas. It is most fitting, therefore, that UNCLOS be known as the constitution of the oceans.

Malaysia signed the Convention on 12 December 1982, together with 109 other countries, when it was first opened for signature, and we ratified it on 14 October 1996. As a State party, Malaysia has always implemented and continues to implement the various provisions under UNCLOS faithfully.

With a coastline of 4,492 kilometres and extensive maritime boundaries with a number of its neighbours, we have conducted maritime boundaries negotiations with our neighbouring countries through peaceful means, in accordance with the letter and spirit of the recognized principles of international law, particularly the Convention. Malaysia has also demonstrated and made use of the provisions under UNCLOS regarding the settlement of disputes. Our clear adherence to the arbitration processes in settling disputes was evident in the *Case concerning sovereignty over Palau Ligitan and Palau Sipadan*, and in the *Case concerning sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge* before the International Court of Justice. In both cases, Malaysia has respected the decisions of the Court, irrespective of whether the decisions favoured Malaysia or otherwise.

Closer to home, the Strait of Malacca is one of the most important international waterways connecting the Indian Ocean to the Pacific Ocean. Owing to the positive growth and relevance of the Strait in facilitating international trade, it continues to pose a variety of challenges to balancing the economic viability and the environmental sustainability of the area. For that

reason, in line with Part III of UNCLOS, entitled “Straits Used for International Navigation”, Malaysia has put in place its traffic separation scheme and aids to navigation in order to maintain safety and security for passage through the Strait. The Cooperative Mechanism on Safety of Navigation and Environmental Protection in the Straits of Malacca and Singapore was also established with two other littoral States, as a practical and effective framework for international cooperation in the Straits of Malacca and Singapore.

To conclude, Malaysia will continue to support work on international oceans and the Convention on the Law of the Sea, including its underlying provisions. The fact that 164 of our Member States are States parties to UNCLOS proves its relevance and importance. It is a comprehensive testament to international law-making in the twentieth century. Malaysia notes the establishment and operation under UNCLOS of three important organs to facilitate a unified international marine order — the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf (CLCS). On that note, I am pleased to mention that Malaysia has been contributing actively to the work of the CLCS through our current expert, Mazlan Madon, and former expert, Abu Bakar Jaafar, respectively.

I assure the Assembly of my delegation’s firm support and cooperation in relation to the deliberations on oceans and the law of the sea in various forums. Malaysia is convinced that with the recent developments and ongoing implementation of the principles and spirit of UNCLOS, the Convention will continue to be universally recognized and fully applied to the conduct of States on oceans.

**Mr. Argüello-Gómez** (Nicaragua) (*spoke in Spanish*): The United Nations Convention on the Law of the Sea has been described as the constitution of the oceans and reflects a delicate balance of interests that encompass a variety of issues, such as the definition of maritime zones, protection of the environment and the use of marine resources, among others. The Convention has had an impact in many spheres, particularly in maintaining global peace and security, insofar as it has provided legal security in the various domains it covers. It has set out mechanisms for the peaceful settlement of disputes and created institutions to implement them. Similarly, it has set standards for the sustainable use of marine resources and strengthened the development of international commerce, for which the oceans are

a channel carrying 90 per cent of the world’s traded goods.

Furthermore, it took a historic step in promulgating, as part of the law of the sea, the principle that the area of the seabed, ocean floor and subsoil beyond the limits of national jurisdiction — and the resources to be found there — are the common heritage of mankind, and that their exploration and exploitation should therefore be to the benefit of all mankind.

To date, 164 States have ratified the Convention, and the few that have not yet done so are in active negotiations, recognizing that the content of the instrument represents the current law of the sea and that many of its rules are part of customary law. Of the 164 States, 29 are in Latin America and the Caribbean, with Ecuador the most recent country to ratify. Those numbers serve as an indication of the acceptance and importance of the Convention in our region, where only four countries have not yet joined.

In the case of Nicaragua, being a coastal State with extensive coastlines on both the Pacific and the Atlantic Oceans and with many islands and keys in our territory, the Convention on the Law of the Sea has been the basis on which Nicaragua has asserted the rights that the Convention recognizes as such. Nicaragua therefore requested the International Court of Justice to rule on the delimitation of its maritime borders so as to resolve disputes with the Republics of Honduras and Colombia.

In the latter case, the Court judgement, rendered on 19 November, represents a milestone for our nation, in that the Court recognized Nicaragua’s maritime rights in areas of the Caribbean in a way concordant with history, geography and international law. Most notably, the ruling confirmed the 200 nautical miles delimitation of the exclusive economic zone and acknowledged that Nicaragua has a continental shelf in the Caribbean, entitling it to recover its sovereign rights over the vast natural resources they contain. That will have positive effects on the country’s economic development, facilitate closer relations with neighbouring, especially Caribbean, countries and enable negotiation of outstanding maritime boundaries in an atmosphere of legal certainty.

Nicaragua wishes therefore to draw attention to the important contribution of the International Court of Justice to maritime delimitations between States. In fact, the Convention’s fundamental rule for maritime delimitation of exclusive economic zones

and the continental shelf — which is that it must be equitable — derives from the principles and legal standards identified by the Court in the cases concerning the North Sea continental shelf in 1969. Including those landmark cases, 145 cases have been presented to the Court on the same subject. That has enabled the Court to develop and interpret the rules established by the Convention — which merely provide a basic framework for managing relations between States on those issues, a fact that prevents the Convention from becoming a static instrument. Conversely, the Court has also managed to adapt the rules to different circumstances with the sole purpose of obtaining a fair result based on international law.

The assurance of obtaining an equitable result is the reason that Nicaragua turned to the Court in the two cases I mentioned. Specifically in the Colombia case, the jurisprudence of the International Court of Justice and the principles of the arbitral tribunals on delimitation informed the weighing of the claims of a large State with small islands against those of a smaller State's extensive coasts. That is the case of the San Andres islands, by virtue of which Colombia claimed a 42-square-kilometre extension, and the coasts of Nicaragua, which are more than 500 kilometres in length. Clearly, any equitable delimitation must grant Nicaragua a substantial part of the maritime areas in question. In that case, the Court ruled in a manner that anyone who has ever studied related cases would easily have predicted. That is why Nicaragua finds nothing surprising in the judgement of 19 November, but rather a confirmation of how the Court has been interpreting the rules of international law for decades.

Nicaragua has always been a country with a commitment to peace and respect for international law, and it has always faithfully fulfilled its international obligations, including abiding by the decisions of the Court. We expect reciprocity from other States when it comes to their obligation to abide by the decisions of the International Court of Justice in cases they are involved in.

A recent significant development in our region that demonstrates our commitment to peace is the case of the Gulf of Fonseca, which has been declared by the Presidents of the three coastal countries of Nicaragua, Honduras and El Salvador as a zone of peace, sustainable development and security. Recently we convened a trilateral commission to ensure the implementation of that declaration.

I would like to conclude by expressing our appreciation for the work of the International Tribunal for the Law of the Sea, which recently issued its first ruling on maritime delimitation, and also for that of the Commission on the Limits of the Continental Shelf. The work of the Commission is particularly important for small and developing countries like Nicaragua, which has already submitted preliminary information and will soon submit its formal application for recognition of its continental shelf beyond 200 nautical miles in the Caribbean Sea. It is therefore essential to grant the funding and flexibility needed for the Commission to deal with its backlog of work and meet the objectives for which it was created.

**Mr. Momen (Bangladesh):** It is an honour for me to address the plenary meeting on the commemoration of the thirtieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). We express our appreciation to Ambassador Tommy Koh, who was the President of the Third United Nations Conference on the Law of the Sea, the Secretary-General of the International Seabed Authority, the President of the International Court of Justice, the President of the International Tribunal for the Law of the Sea, the Chairman of the Commission on the Limits of the Continental Shelf and the other speakers for their remarks on the topic.

The adoption of the United Nations Convention on the Law of the Sea on 30 April 1982 was a milestone in the governance of global maritime affairs. My delegation recalls with gratitude the special role played by the late Ambassador Arvid Pardo of Malta, in particular, his visionary speech delivered on 1 November 1967 before the First Committee of the General Assembly (see A/C.1/PV.1515), which facilitated the adoption of the Convention in 1982. Let me also recall with gratitude the contribution of other eminent persons who served as officers of the Third United Nations Conference on the Law of the Sea, as well as those who worked tirelessly towards the conclusion of the Convention and its adoption. Here, I express my sincere tribute to Ambassador Hamilton Shirley Amerasinghe of Sri Lanka and Ambassador Tommy Koh of Singapore for their contributions.

Bangladesh signed the Convention on 10 December 1982, the very first day of its opening for signature, and ratified it on 27 July 2001. We also acceded to the Agreement on Part XI of the Convention on 27 July 2001. Bangladesh was pleased to co-sponsor resolution 67/5,

entitled “Plenary meetings of the General Assembly on 10 and 11 December 2012 devoted to the consideration of the item entitled ‘Oceans and the law of the sea’ and to the commemoration of the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea”, under agenda item 75.

Thirty years ago, on 10 December 1982, the United Nations Convention on the Law of the Sea was opened for signature in Montego Bay, Jamaica. Bangladesh greatly values the significance of that day. It was in that spirit that the Government of Bangladesh organized a high-level national event on 10 December, entitled “Commemoration Ceremony of the 30th Anniversary of the United Nations Convention on the Law of the Sea of 1982”. The Prime Minister of Bangladesh graced the occasion as the chief guest, while the Foreign Minister and the United Nations Development Programme Resident Coordinator in Bangladesh attended as special guests. The meeting was organized by the Ministry of Foreign Affairs in association with relevant stakeholders in both the public and the private sectors.

Maritime territory has become an important area of economic interest for all nations and even more so for a country like Bangladesh with limited resources and extensive development challenges. The ocean remains an important element in our culture, particularly in relation to the fishery resources of the sea. Into the future and in order to promote the welfare of our population, Bangladesh looks toward the sea, both for the resources of the water column and the seabed.

Bangladesh greatly values multilateralism in all activities, including ocean-governance. As a densely populated country with an area of 144,000 square kilometres and a population of 150 million, Bangladesh deems the settlement of maritime disputes with its neighbours is immensely important so that it can rightfully claim maritime resources in the Bay of Bengal. As members are aware, on 14 March 2012, the International Tribunal for the Law of the Sea (ITLOS), an important body established under UNCLOS, delivered its historic judgement in the delimitation proceedings between Bangladesh and Myanmar, instituted under Part XV of UNCLOS, within 28 months from the time it initiated those proceedings on 14 December 2009. That is a manifestation of unprecedented efficiency on the part of ITLOS. We reiterate our sincere appreciation to ITLOS for that. We also express our appreciation to the Tribunal for dealing with the proceedings in a transparent, just and equitable manner. Our felicitations

go the delegation of Myanmar, too, for positively receiving the invitation of Bangladesh and thereby helping to resolve a contentious issue in a peaceful manner. I believe that, by resolving that dispute, both Bangladesh and Myanmar have not only opened up opportunities for their peoples, but also contributed to the progressive development of international law of the sea and the institutions established under UNCLOS.

Now, I should like to refer to Bangladesh’s submission regarding the extended continental shelf on 25 February 2011 — five months earlier than the deadline — to the United Nations Commission on the Limits of the Continental Shelf, another important body established under the Convention. The submission completes the outstanding obligation of Bangladesh under the provisions of article 76 of the Convention to provide scientific and technical information to the Commission in support of Bangladesh’s claim to jurisdiction over the continental shelf beyond 200 nautical miles. Through the international process established under the Convention, we sought to delimit our continental shelf in order to provide a legal basis for the exploration, conservation and development of living and non-living natural resources that could safeguard our sustainable development, energy needs and the welfare of our people.

**Mr. Manongi** (United Republic of Tanzania): We welcome the opportunity to speak today to commemorate the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. The United Republic of Tanzania was among the first 119 countries that signed the Convention in Montego Bay, Jamaica. For us, the Convention was the culmination of the most important law-making negotiations undertaken in the history of the United Nations. Those rigorous and complex negotiations resulted in what we have today — a regime of ocean governance that takes into account a broad range of interests and circumstances that was and continues to be worthy of our collective pride and support.

As we meet here today it is important to reaffirm the spirit of the Convention as reflected in its preamble, namely, to promote the spirit of mutual understanding and cooperation on all issues relating to the law of the sea. We must recommit ourselves to that vision, to the full implementation of the goals and objectives of the Convention as a contribution to the maintenance of international peace and security, and to further

strengthening and promoting legitimate uses of the oceans.

Tanzania attaches great importance to the role played by the Convention, which we ratified on 30 September 1985 as the twenty-fourth State party. We believe in the Convention's continued relevance and are pleased to note that much has been achieved within its framework. We recognize that the past 30 years have not been without challenges, but such challenges require our sustained effort and dedication to the agenda of the Convention and its goals.

In that regard, the need for States to support, respect and protect the interests of landlocked or geographically disadvantaged developing coastal and small island States deserves our support and special attention. Furthermore, efforts should focus on the equitable and efficient utilization of ocean resources, curbing marine pollution and countering the new forms of piracy not originally envisaged under the Convention. It is our hope that emerging challenges will be effectively addressed within the Convention's framework. We also hope that States and other stakeholders will continue to play an active role in the implementation of the Convention and to make efforts to enhance global interaction through a spirit of cooperation and understanding.

We also wish to underscore the need to strengthen capacity-building for developing countries with respect to maritime activities so as to empower them to implement the Convention and fully secure the benefits of oceans and seas, including those beyond their national jurisdiction, which are deemed the common heritage of mankind.

Thirty years of the Convention marks an important milestone. We applaud the Convention's achievements in providing the rule of law to oceans and seas. The goal of the Convention is universal participation. We encourage more States to consider becoming party to the Convention.

To conclude, I wish to use this occasion to pay tribute to the late Ambassador Pardo of Malta for articulating the idea of a legal regime to govern the legitimate use of the oceans and to all the international diplomats and jurists whose outstanding contributions and hard work produced the legal instrument we celebrate today.

**Mr. Escalona Ojeda** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): We would like to thank all the countries that worked intensively on

this important international legal instrument. On the occasion of the thirtieth anniversary of the signing of the Final Act of the Third United Nations Conference on the Law of the Sea, when the 1982 Convention was opened for signature, the Bolivarian Republic of Venezuela joins this celebration by recalling the spirit in which that historic Conference was convened. Our country participated actively and enthusiastically, firmly convinced that it would lead to a legitimate constitution of the oceans.

That optimism was frustrated by the unjustifiable inflexibility that prevailed in the drafting of the final instrument, which, while aspiring to universality, ultimately excluded one of its most enthusiastic promoters, among others. Because of that unexpected outcome, Venezuela had no choice but to vote against the adoption of the Convention, casting our vote on the basis of reasons exhaustively stated in March, April and December 1982 (see A/CONF.62/SR.158, SR.168 and SR.192).

Once the Convention was opened for signature, an adjustment phase in the practice of the new regulatory structure was set in motion. Venezuela views with concern and rejects all attempts to endow certain provisions of the Convention, including those that present difficulties for our country, with the status of customary international law, with the intention of imposing them on non-party States. Such an imposition would be clearly unacceptable.

Venezuela has always affirmed that the provisions of the United Nations Convention on the Law of the Sea, whose adoption it opposed, do not apply to us, except to the extent that they have been expressly accepted by our country. Venezuela has fulfilled its international obligations with respect to the law of the sea and has called for its comprehensive development with a vision of equality, insisting that all negotiations in that regard must reflect criteria and principles linked to the right to sustainable development and to the preservation and sustainable use of the marine environment and its resources for future generations.

This anniversary offers an opportunity to emphasize that new situations have arisen that the Third United Nations Conference on the Law of the Sea did not foresee and for which relevant provisions were not negotiated. Unfortunately, the spirit with which those situations, and others related to the implementation and expansion of the criteria, rules and principles of Convention, have been addressed has not been broad

enough to allow equitable and inclusive development of the principles and rules that should apply to new situations. In that context, it is difficult for the Bolivarian Republic of Venezuela to join the celebration of what it has considered, and continues to consider, the unsatisfactory outcome of the Third Conference. Today we reiterate that Venezuela is not a party to the Convention on the Law of the Sea because it cannot contravene principles and rights that are essential to it and that remain valid and relevant.

At the same time, we believe that this could be a propitious occasion to invoke the spirit in which the Third United Nations Conference on the Law of the Sea was organized and initiated and to evaluate the issues on which there is no consensus or regarding which there are contradictory practices and to consider, with a constructive and inclusive approach, the possibility of updating the terms of the Convention, in particular revising the provisions that prevent that instrument from achieving truly universal participation.

Throughout the 10 years of the Third Conference, Venezuela proved its genuine desire to achieve a universally acceptable convention on the law of the sea. In the same spirit, today we reiterate the conviction that a legal instrument that aspires to become a constitution for the oceans, for the benefit of all, must of necessity facilitate the participation of all.

**Mr. Schuldt** (Ecuador) (*spoke in Spanish*): I would first like to express Ecuador's great pleasure in being able to participate in this commemoration of the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea (UNCLOS) in our capacity as a State party. This historic legal instrument is unprecedented and is considered to be the constitution of the ocean, the legal framework within which all activities in the seas and oceans must be take place.

In fact, on 22 May the National Assembly of Ecuador, by a large majority of 81 votes in favour out of 103 delegates present, voted to approve Ecuador's accession to UNCLOS, thanks to which, on 24 September, the Deputy Minister for Foreign Affairs of the Republic presented to the United Nations its instrument of accession to the Convention and its declaration, in compliance with article 310 of the Convention. Our recent accession to UNCLOS is an historic event for my country, the result of a 10-year internal process since the establishment of the national commission in 2002, an intense effort of inter-institutional coordination and

dialogue with the nation's productive, academic and social sectors, as well as of information campaigns on the Convention and the advantages for Ecuador. It was my honour to be part of that process, which makes it even more relevant for me to be speaking here today.

There is no doubt, however, that Ecuador was already part of the spirit of UNCLOS, including from its beginnings, not only because it was an active participant throughout the more than 14-year negotiation process and contributed directly to one of its fundamental concepts being enshrined — the sovereignty of coastal States over their natural resources, as is the case of the exclusive economic zone — but also because we shared its highest goal, which is to contribute to a just and equitable international economic order that takes into account the interests and needs of all humankind, particularly the special interests of developing countries, whether coastal or landlocked.

As we commemorate the efforts of the representatives of more than 150 countries to establish a comprehensive regime for matters pertaining to the law of the sea, we cannot help recalling that throughout the Third United Nations Conference on the Law of the Sea, Ecuador, together with Chile, Peru and other countries — first from Latin America, then from other regions of the world — promoted and defended the rights of sovereignty and jurisdiction of coastal States up to 200 nautical miles, in conformity with the Santiago Declaration on the Maritime Zone, of 1952, particularly its paragraph II, which proclaimed as a norm of their maritime policy that they each possess exclusive sovereignty and jurisdiction over the sea along the coasts of their respective countries to a minimum distance of 200 nautical miles from those coasts. In that regard the Declaration was inspired by the 1945 Truman Proclamation and other national declarations by Mexico, Argentina, Chile, Peru and Cuba, among others. The 1952 Santiago Declaration, signed by Ecuador and its associates of the south-east Pacific, was the first joint declaration of the 200-nautical-mile concept and the basis for later regional meetings and positions in Lima, Montevideo and Santo Domingo that in their turn became an example for the position of various developing countries during the Conference.

Thus, as a result of the persistent defence by the group known as the territorialists, led by Ecuador, of the concept of exclusive jurisdiction over 200 miles, the Third Conference recognized the right of sovereignty of coastal States for the purposes of exploration,

exploitation, conservation and management of natural resources over a 200-mile width, which is known today as the exclusive economic zone. The incorporation of the exclusive economic zone into the negotiating process for UNCLOS is a fundamental contribution of Ecuador and the countries of the South Pacific, among others, to the development and codification of the law of the sea, which now recognizes that jurisdiction universally. In Ecuador's case, that jurisdiction applies to the maritime area up to 200 miles from the coast of the continent and the 200 miles around the Galapagos archipelago.

Thirty years after the Convention was opened for signature, it is a pleasure to note that, despite existing challenges, it has managed to survive the test of time and has achieved its main objectives, providing the international community with a unified legal system for the seas and oceans that facilitates international communication and promotes the peaceful uses of the seas and oceans, the equitable use of their resources, the study, protection and preservation of the marine environment and the conservation of its living resources. The Convention has also served to promote international peace and security in maritime concerns, having brought a greater legal certainty to a series of conflicts and delimitation claims by defining the limits of all maritime spaces — the territorial sea, the contiguous zone, the exclusive economic zone, the continental shelf, including its extension, the high seas and the seabed — as well as the rights and obligations of coastal States in those areas.

Furthermore, UNCLOS also contributed to the international community with the adoption of a regime for marine scientific research on the basis of clearly established principles that must be respected and complemented by increased technology transfer to developing countries. One of the Convention's most important and unquestionably most innovative achievements, however, was its establishment of a legal regime for the exploration for and exploitation of minerals, based on the principles embodied in resolution 2749 (XXV), through which the General Assembly declared that the seabed and the resources of the Area are the common heritage of mankind, and that their exploration and exploitation shall be carried out for the benefit of mankind as a whole.

There is the persistent challenge of defining a specific regime for the conservation and sustainable use of marine biodiversity in the Area, but the principles established in UNCLOS for the Area, especially those

regarding the common heritage of mankind and the equitable distribution of the benefits of all activities conducted in it, are fully applicable and should serve as a guide and legal framework for future negotiations on an implementation agreement for the conservation and sustainable use of the Area's resources. We hope that, in keeping with the high-level commitment expressed at the recent United Nations Conference on Sustainable Development, the work of the Assembly's working group on the future development of an international legal instrument in the framework of the Convention will be carried out in the same spirit of cooperation and search for consensus that the Third Conference had, in order to do justice to its model of wholeness and comprehensiveness in negotiations.

Ecuador is a maritime country par excellence. It sees its recent accession to UNCLOS as a path more than a destination, a path along which we expect to participate actively in meetings of States parties and in the excellent work done by the three instruments created by the Convention. At the same time we will continue to contribute actively to the various working groups and processes being conducted here at Headquarters, including the negotiations on the two draft resolutions on oceans and the law of the sea and on sustainable fisheries, and, in particular, the normal process of presenting reports and assessments of the state of the maritime environment, including its socioeconomic aspects, and the just-mentioned working group, on marine biological diversity beyond areas of national jurisdiction.

Ecuador also intends to strengthen its activities in protecting and preserving its marine areas, under the provisions of the Convention, in particular in the Galapagos Marine Reserve, which UNESCO has declared a natural heritage of humankind, and the Particularly Sensitive Sea Area, designated by the International Maritime Organization.

Lastly, in addition to other outstanding challenges, my country also hopes to complete the studies started several years ago to justify the extension of the Galapagos continental shelf up to 350 miles, in line with the Convention and the support that we hope to receive from the Commission on the Limits of the Continental Shelf.

UNCLOS was adopted as a package deal. It denotes several landmarks in being the first convention to have such a large number of ratifications and accessions immediately following its opening for signature, the first



in which non-governmental organizations participated and the first to address and resolve matters related to all ocean activities. That led the Secretary-General, at the time of its adoption, to declare it probably the most significant legal instrument of the century.

Finally, allow me to join others in paying tribute to all the negotiators and representatives from the entire world and from Latin America, most especially Ambassador Luis Valencia Rodríguez, head of the Ecuadorian delegation to the Third United Nations Conference on the Law of the Sea. They made it possible for the international community today to have such a significant legal instrument for developing and ensuring full compliance with the law of the sea.

**Mrs. Mørch Smith** (Norway): The United Nations Convention on the Law of the Sea sets out the legal order for the world's seas and oceans, providing a solid foundation for the peaceful, responsible and predictable management of the oceans. Within a relatively short period of time, the Convention established itself as the constitution of the oceans. It outlines lasting and fundamental rules for ever-changing ocean conditions, as recently exemplified by the climate change and ice melt in the Arctic Ocean. In that regard, the Convention provides clarity with regard to the obligations and rights related to, for example, the delineation of the outer limits of the continental shelf, the protection of the marine environment and marine scientific research. At this commemorative event for the thirtieth anniversary of the opening for signature of the Convention, it is appropriate to reflect on its achievements.

Significant compromises were reached in the negotiations on the Convention in order to create a fair package that would make an important contribution to international law. One important issue during the negotiations was the opportunity for coastal States to exercise their sovereign rights with regard to the exploitation of natural resources in a much broader area than the territorial waters recognized by international law at the time. A successful compromise was reached with the introduction of the Castañeda-Vindenes formula. Exclusive rights were established for coastal States in a broad contiguous zone, while the essential freedom of the high seas was preserved under the regime known today as the exclusive economic zone. Economic zones extending up to 200 nautical miles from the baseline were established by most coastal States.

The development of the new law of the sea culminated in the adoption of the Convention in 1982 and its subsequent entry into force in 1994. Since the Convention's entry into force, we have seen important developments in the interpretation of the provisions on maritime delimitation. Norway welcomes the contribution of the International Court of Justice and its crucial role in consolidating and refining the principles of maritime delimitation. In that way, the Court has provided invaluable guidance for States engaged in the negotiation of treaties on the delimitation of the continental shelf and economic zones. Norway has contributed to the consolidation of the law, for example, in the 1993 Greenland-Jan Mayen case and in negotiations on maritime delimitation agreements with all its neighbours.

The establishment and determination of the outer limits of the continental shelf beyond 200 nautical miles is a central element in the implementation of the Convention. That definition is necessary to clarify the legal framework for future shelf activities and for environmental protection. A clear legal framework also has significant development implications.

The establishment of the outer limits of the continental shelf beyond 200 nautical miles, in accordance with the rules of the Convention, requires an in-depth and interdisciplinary knowledge of geology, geophysics and hydrography. Preparing the data and materials to be used in the submissions to the Commission on the Limits of the Continental Shelf is a complex operation. Many developing countries face challenges in preparing the necessary documentation. The General Assembly has repeatedly called upon States with the necessary financial and technical resources and relevant capacity and expertise to assist developing countries in the preparation of their submissions.

Norway would like to encourage all States with the necessary resources to assist developing countries in the preparation of documentation to the Commission. Norway provides considerable technical assistance to developing countries in that regard. The aim is to enable our partner countries to exercise their rights to the natural resources on their continental shelf and thus to provide them with an important basis for economic and social development. Since 2008, we have cooperated with Benin, Sao Tome and Principe, Somalia, Togo, Côte d'Ivoire, Kenya and Mozambique on this issue.

At present, our support is focused on subregional cooperation with Cape Verde, Gambia, Guinea, Guinea-

Bissau, Mauritania, Senegal and Sierra Leone. That support includes a desktop study of their continental shelf, training, capacity-building, the financing and management of the acquisition of additional seismic and bathymetric data, data analysis, the drafting of submissions and, where applicable, assistance with determining baselines and the establishment of exclusive economic zones. Our cooperation is based on African ownership, African cooperation and Norwegian support. We have recently also initiated cooperation with Liberia.

One of today's main challenges relates to the implementation of and compliance with the Convention. All States must ensure effective compliance with the Convention through national legislation and enforcement. In that context, the sustainable use and conservation of marine biodiversity in areas beyond national jurisdiction is one important issue under discussion at present. We remain committed to the process within the Ad Hoc Open-ended Informal Working Group to study such issues.

**Mr. Clarke** (United Kingdom): I would like to join those who have already spoken in celebrating the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. We owe a debt of gratitude to those who worked determinedly during the decade of negotiations under the Third United Nations Conference on Law of the Sea for producing such an outstanding document — a constitution for the oceans, as others have described it. But we must not forget those who worked hard and with considerable imagination to produce the Implementing Agreement on Part XI, which was adopted in 1994 and which enabled the Convention to enter into force with the participation of all regional groups.

The Convention is undoubtedly a comprehensive and visionary document, for, despite the pace of globalization and the development of technology in the intervening years — which could not have been envisaged by the drafters — we find that the Convention has stood the test of time for 30 years. We are sure that it will continue to do so for the next 30 years and beyond.

The Convention is also remarkable for having achieved such a broad family of acceptance, which has continued to grow even in 2012. That is a testament to the fine balance that the drafters found between the interests of coastal States and the interests of those using the oceans, between rights and responsibilities,

and between the sustainable utilization of the ocean's resources and their protection.

We value, in particular, the Convention's regime for the various maritime zones. It offers clarity where previously there had been uncertainty and a multitude of different national claims. As a result, the Convention enshrines clearly the relevant rules on navigation — an essential element in promoting world trade.

We welcome the provisions on the protection of the marine environment, be it from pollution or from overexploitation, on the promotion of marine scientific research and, above all, on the need for States to cooperate at the regional and global levels to ensure that we can all enjoy the benefits of the oceans in the future. The nature of the oceans is such that actions by one party in one part of the world's oceans can have a debilitating impact on other parties' utilization of the oceans' resources elsewhere in the world, and we need to respect that.

The regime for deep seabed mining might have been controversial at the time, but the 1994 Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 has proved to be crucial in ensuring its general acceptability. That Agreement was also prescient, as we see an increasing interest in the economic possibilities that mining offers. It will be for the International Seabed Authority and Member States to cooperate in order to ensure that the same balance of interests preserved in the Convention — that between the desire for development and the optimal use of resources with the need to protect the environment — is followed as regimes for exploitation are developed.

We note the importance in the implementation of the Convention of all three of the institutions provided for by 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, which is reflected in the growing workload they are all experiencing.

In conclusion, we see the Convention as one of the most important cornerstones of international law, providing an indispensable foundation for dealing with issues relating to the oceans. And in recognition of the importance that the United Kingdom attaches to it, we were pleased to be able to make a further contribution of \$20,000, earlier this year, to the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the

Sea, whose purpose is to assist candidates in acquiring additional knowledge of the Convention in order to promote its wider appreciation and application and to enhance specialized experience in those fields.

**The Acting President** (*spoke in Arabic*): In accordance with General Assembly resolution 54/195, of 17 December 1999, I now give the floor to the observer of the International Union for Conservation of Nature.

**Mr. Cohen** (International Union for Conservation of Nature): The International Union for Conservation of Nature (IUCN) welcomes this opportunity to join with others in celebrating the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. Today, there are 164 States parties to the Convention, which recognizes the rights, responsibilities and obligations of States.

The International Union for Conservation of Nature, the world's oldest and largest global environmental organization, includes more than 1,200 members from Governments and non-governmental organizations and almost 11,000 volunteer experts in 160 countries. Thus, our membership includes many Governments whose States are also parties to the Convention. IUCN's work focuses on valuing and conserving nature, ensuring effective and equitable governance of its use, and deploying nature-based solutions to global challenges in climate, food security and development. IUCN helps the world find pragmatic solutions to our most pressing environment and development challenges.

At recent World Conservation Congresses in Jeju, Republic of Korea, and in Barcelona, our members adopted resolutions acknowledging that the United Nations Convention on the Law of the Sea provides the overarching legal framework for the governance of human activities in areas beyond national jurisdiction, including the conservation and management of living resources and the protection and preservation of the marine environment.

The United Nations Environment Programme has noted that the amount of marine litter, including plastics, has continued to increase in the oceans and on shorelines. According to the Scientific and Technical Advisory Panel of the Global Environment Facility, the incidence, intensity, size and duration of coastal hypoxic areas are increasing. Coastal hypoxia, that is, dead zones, reduces fisheries production, kills and impairs fish and other marine life populations,

changing their diversity and health, threatens human health and reduces coastal amenities. The *State of World Fisheries and Aquaculture 2012* report of the Food and Agriculture Organization of the United Nations notes that the world's marine fisheries peaked in 1996. The percentage of the world's fishery stocks that are overexploited has increased from 10 per cent in 1974, when first assessed, to 30 per cent now. As others have already noted, warming oceans and the acidification of raw ocean waters threaten the diversity of marine living resources. Coral reefs are in decline. Thus, urgent and immediate action is necessary to conserve, protect and ensure the sustainable and equitable use of the world's oceans.

Part XII of the Convention on the Law of the Sea of 1982 deals with the protection and preservation of the marine environment and provides, inter alia, that States have an obligation to assess the potential effects of planned activities that may cause substantial pollution of or significant and harmful changes to the marine environment. That language is strengthened in the 1992 Rio Declaration on Environment and Development, which states that environmental impact assessments are to be undertaken for proposed activities that are likely to have a significant adverse impact on the environment. Such reports shall, furthermore, be published, that is, made publicly available. We cannot think of any such reports that have been published recently. In our view, strategic environmental assessments should also be undertaken.

World leaders adopted the Johannesburg Plan of Implementation in 2002, which called, inter alia, for the establishment of marine-protected areas, including representative networks, by 2012. Through the 1992 Convention on Biological Diversity, Governments adopted Aichi Biodiversity Targets, including Target 11, for the conservation of at least 10 per cent of their coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, through effective and equitable management by 2020. It is estimated that just over 2 per cent of marine areas are now under protection. We must act quickly to reach the 10 per cent target by 2020.

Through resolution 66/231, the General Assembly decided to devote two days of meetings during this session to the consideration of oceans and the law of the sea and the commemoration of the thirtieth anniversary of the opening for signature of the Convention, including special recognition of the crucial role played

by Ambassador Arvid Pardo of Malta and, in particular, his visionary speech delivered on 1 November 1967. As did the representative of South Africa yesterday (see A/67/PV.50), I will quote one paragraph of that visionary speech:

“The dark oceans were the womb of life: from the protecting oceans life emerged. We still bear in our bodies — in our blood, in the salty bitterness of our Tears — the marks of this remote past. Retracing the past, man, the present dominator of the emerged earth, is now returning to the ocean depths. His penetration of the deep could mark the beginning of the end for man, and indeed for life as we know it on this earth: it could also be a unique opportunity to lay solid foundations for a peaceful and increasingly prosperous future for all peoples”.  
(A/C.1/PV.1515, para. 7)

Let us choose a peaceful and prosperous future for all peoples. Let us choose to live in cooperation and in harmony with nature.

**The Acting President** (*spoke in Arabic*): In accordance with resolution 35/2 of 13 October 1980, I now give the floor to the Observer for the Asian-African Legal Consultative Organization.

**Mr. Lee** (Asian-African Legal Consultative Organization): The Asian-African Legal Consultative Organization (AALCO) appreciates very much the President's leadership in organizing this event to commemorate the thirtieth anniversary of the signing of the United Nations Convention on the Law of the Sea. This celebration is particularly meaningful, because the Convention on the Law of the Sea represents a major success story in multilateral diplomacy, treaty-making and the maintenance of peace and security in the oceans.

The 1982 Convention on the Law of the Sea successfully addressed all aspects of the law of the sea, from litigation to resource utilization and scientific research, from the water column to the seabed and subsoil, from sovereignty and jurisdiction to the common heritage and from maritime delimitation to dispute settlement. The Convention is not just a codification of traditional legal practices. It also embodies new developments and practices with the participation of the developing countries. This event in the Assembly attests to the enduring performance of that consolidated comprehensive multilateral legal instrument.

The Convention addresses not only the interests and concerns of the coastal States, but also those of the landlocked and geographically disadvantaged States. Because all States, large and small, contributed to its making, the Convention enjoys de facto universal participation and observance. The Convention may, therefore, be seen as the constitution of the oceans and the seas.

From the very beginning, AALCO has championed and worked closely with African, Asian and Latin American countries to promote such concepts as the exclusive economic zone, the outer continental shelf and the archipelagic baselines. Those concepts, together with other principles, have found their way into some of the core provisions of the Convention. States today are applying and observing those provisions in their conduct and activities.

Many previous speakers have rightly praised the individuals and institutions that contributed to the making of the successful instrument we are celebrating today. AALCO would like to associate itself with those tributes and acknowledgements. The Convention also exemplifies the United Nations ability to recognize shortcomings and to make use of lessons learned. The first United Nations Conference on the Law of the Sea in 1958 produced four separate treaties, each codifying traditional practices under the headings of the territorial sea, the continental shelf, fisheries and the high seas. All of the subjects were treated as legal matters, and the International Law Commission, which is a technical expert body, was entrusted with preparing the drafts. Later, in 1973, when the Third United Nations Conference on the Law of the Sea was convened, the General Assembly found the 1958 approach inadequate for meeting the real needs. The Assembly decided at that time not to entrust the task to any technical body. States themselves undertook to negotiate and prepare the texts.

The General Assembly laid down certain principles to guide the complex negotiations: first, economic and political considerations must be taken into account; secondly, current thinking and developments in the law of the sea must also be reflected in the outcome; and thirdly, law of the sea matters are all interrelated and must be dealt with as an integral whole. Those objectives led to the construction of a single gigantic package — a comprehensive treaty covering all aspects of the law of the sea that was designed to encourage universal participation and avoid the fragmentation

that happened in 1959. The success of the Convention attests to the enduring values of those principles today, 30 years later, and for years to come.

We would like to draw attention to two areas that we believe States parties may further benefit from. They are the mapping of maritime baselines and the use of advisory proceedings for handling bilateral disputes or for handling issues of illegal, unreported and unregulated (IUU) fishing. First, with regard to the question of mapping baselines, the first step in any development of fisheries or offshore mineral resources is to determine the baselines from which resource jurisdictions are to be measured. Whether it is internal waters, territorial sea, contiguous zone, exclusive economic zone or continental shelf, all are measured from the line where the sea meets the land, which is the baseline. The establishment of baselines is, therefore, a prerequisite for determining the parameters of maritime zones and jurisdictions over the resources. The determination of the baselines and the maritime zones then provides the basis for the exercise of sovereignty, jurisdiction and management.

Given the importance of baselines, the United Nations Convention on the Law of the Sea requires States parties to draw baselines and to make public charts showing their baselines or lists of the relevant geographical coordinates, and to deposit such charts and lists with the Secretary-General. Today, only 54 of the 164 parties have fully or partially complied with those obligations. The General Assembly has repeatedly reminded and encouraged parties to deposit such charts or coordinates with the Secretary-General. Many States have not done so, in spite of the Assembly's appeals.

We understand that States may have reasons or difficulties leading them not to publish or register their charts or coordinates. Some, apparently, have done the work but have not registered it with the Secretary-General. Some States prefer to focus on the outer limits of their continental shelf. Many States may need technical assistance in preparing the charts or lists. Still others may have pending disputes or delimitation issues with their neighbours, and perhaps they do not want to aggravate those disputes.

Depositing and publicizing baselines may also serve another important function in the context of climate change. Baselines provide critical evidence for the shrinking of a State's land territory as the result of rising sea levels or flooding in the delta areas. That shrinking will not only reduce land area and affect

resources extraction and other productive activities, but will also lead to the displacement of populations and the disruption of the competition among economies for resources in those zones, which, together with shifting and uncertain boundaries, could lead to more disputes.

The General Assembly has recognized the effects of climate change on food and water, economic development, migration and displacement, and the loss of territory and the potential resulting statelessness. It would be difficult for a coastal State to assess, determine and manage the impact of sea-level rise, if the necessary steps to determine its baselines have not been taken. We believe that research is needed to identify the best ways to help States to map their baselines for their own benefit, while taking into account all legal, political and practical implications. We are pleased to hear that Norway has already initiated programmes in that regard.

Turning now to the use of advisory proceedings for the purpose of dispute management and conciliation, we believe that such proceedings should be better promoted. The dispute settlement mechanisms set up under the United Nations Convention on the Law of the Sea are working well, and the International Tribunal for the Law of the Sea plays an essential role in that regard. It is a special feature of the Tribunal that States parties may use advisory proceedings for handling disputes. The advisory jurisdiction for dealing with inter-State disputes has not been activated yet. When it is in operation, States will be able, instead of choosing contentious proceedings, to draw up agreements or similar instruments and seek advisory opinions for dealing with such questions as baselines, IUU fishing issues or even boundary delimitation.

Opinions of the Tribunal are not binding *per se*, but they are authoritative and carry weight. Also, the parties are free to adopt the opinion or use it as a basis or building block for conciliation or for finding solutions. Another advantage is that the costs of advisory proceedings are borne by the Tribunal. It seems that the advisory mode may serve useful purposes in certain circumstances. Greater awareness of that possibility would seem to be beneficial.

**The Acting President** (*spoke in Arabic*): We have heard the last speaker in the commemoration of the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea.

The General Assembly has thus concluded this stage of its consideration of agenda item 75.

#### **Agenda item 75 (continued)**

#### **Oceans and the law of the sea**

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

**Reports of the Secretary-General (A/67/79, A/67/79/Corr.1, A/67/79/Add.1 and A/67/79/Add.2)**

**Report on the work of the Ad Hoc Working Group of the Whole (A/67/87)**

**Draft resolution (A/67/L.21)**

##### **(b) Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments**

**Report of the Secretary-General (A/67/315)**

**Draft resolution (A/67/L.22)**

**The Acting President** (*spoke in Arabic*): Members will recall that, under agenda item 75, the Assembly adopted resolution 67/5 at its 37th plenary meeting, on 14 November 2012, and that the Assembly held a commemoration of the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea at its 49th, 50th and 51st plenary meetings on 10 and 11 December 2012.

The recommendations 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 and the co-Chairs' summary of the discussions have been circulated in document A/67/95. The report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its thirteenth meeting has been circulated in document A/67/120.

I now give the floor to the representative of Trinidad and Tobago to introduce draft resolution A/67/L.21.

**Mr. Charles** (Trinidad and Tobago): Trinidad and Tobago was deeply honoured to have coordinated the informal consultations on draft resolution A/67/L.21 on oceans and the law of the sea. It is also a distinct

privilege to have been afforded the opportunity during the year in which the international community commemorates the thirtieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea in Montego Bay, Jamaica.

We also wish to pay tribute to all delegations for their support, cooperation and flexibility as they pursued and defended their national interests. Without such an approach, coordination of the draft resolution would have been onerous. Let me also pay tribute to the Director and staff of the Division for Ocean Affairs and the Law of the Sea for their excellent stewardship and advice throughout the process. Mr. Tarasenko and his colleagues have personified the words professionalism and excellence, and we thank him. We also welcome the reports of the Secretary-General on oceans and the law of the sea, as they provide very relevant information on the issues covered in the draft resolution.

The draft resolution before us today contains elements necessary for the management, preservation and sustainable use of the resources of our oceans and seas and guidelines for the conduct of States in discharging their obligations emanating from the international law of the sea, including the Convention. Delegations were in agreement that elements of the outcome document, entitled "The future we want" (resolution 66/288, annex), adopted at the United Nations Conference on Sustainable Development, which took place in Rio de Janeiro, Brazil, from 20 to 22 June, should be reflected in the draft text. References to that document are contained throughout the draft resolution, including in Part X of the text relating to the marine environment and marine resources. In that section, States are called on to take action on several issues, especially those issues that relate to the health of our oceans and marine biodiversity, which are negatively affected by, for example, marine pollution, including marine debris.

The draft resolution, which is perhaps the most comprehensive draft resolution adopted annually by the General Assembly, also addresses the obligations of States that flow from the Convention, other global agreements and regional undertakings. They include the following: the peaceful settlement of disputes and the work of treaty bodies established under the Convention, namely, the International Tribunal for the Law of the Sea, the Commission on the Limits of the Continental Shelf and the International Seabed Authority. In addition, the draft resolution focuses on maritime safety

and security and flag State implementation, issues relating to marine science and regional cooperation and capacity-building.

In determining the topic for discussion at the fourteenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, in 2013, delegations recognized, among other things, the role of the Informal Consultative Process in integrating knowledge, the exchange of opinions among multiple stakeholders, coordination among competent agencies and the promotion of the three pillars of sustainable development. It was therefore decided that the fourteenth meeting of the Informal Consultative Process would focus on the impacts of ocean acidification on the marine environment. It is expected that, in elaborating on the topic, emphasis would also be placed on pursuing research, especially programmes of observation and measurement of the problem.

The draft resolution before the Assembly also highlights the continued call by Member States for enhanced inter-agency coordination between mechanisms on oceans and coastal issues within the United Nations system, for example, the inter-agency coordination mechanism on oceans and coastal issues (UN-Oceans). Consequently, the General Assembly is being asked to review the mandate of UN-Oceans during its sixty-eighth session, taking into account the need to strengthen the role of the Division for Oceans Affairs and the Law of the Sea, among other things. Additionally, mention is also made of the initiative of the Secretary-General, entitled the “Oceans Compact — Healthy Oceans for Prosperity”. In that regard, calls are being made for open and regular consultations with Member States on all aspects of the Oceans Compact.

Included in the draft resolution, as an annex, are the terms of reference for the intersessional workshops aimed at improving issues relating to the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction and clarifying key questions as an input to the work 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.

Finally, I commit draft resolution A/67/L.21 to the Assembly for its adoption. By adopting the draft

resolution, Member States will demonstrate their renewed commitment to the efforts of the United Nations system aimed at providing assistance to Member States in discharging their obligations based on international treaties and other legal instruments geared towards the management, protection, preservation and sustainable use of the resources of our oceans and seas for the benefit of current and future generations, which is in keeping with “The future we want”.

**The Acting President** (*spoke in Arabic*): I now give the floor to the representative of New Zealand to introduce draft resolution A/67/L.22.

**Mr. McLay** (New Zealand): My delegation is pleased to co-sponsor draft resolution A/67/L.21, entitled “Oceans and the law of the sea”, which has just been introduced by Trinidad and Tobago, and we particularly compliment Ambassador Eden Charles on his careful stewardship of that particular draft resolution. New Zealand had the honour to coordinate the informal consultations on draft resolution A/67/L.22 on sustainable fisheries, and I am now pleased to introduce that text, on behalf of all the sponsors.

This year’s draft resolution on sustainable fisheries once again addresses critical issues, such as ensuring that the decisions of regional fisheries management organizations (RFMOs) are based on the best available scientific information; the implementation of plans of action for the conservation and management of sharks; and the impact of industrial fishing on species low down on the food chain, given their particularly important role as food for other species in the marine ecosystem.

The draft resolution also recognizes, for the first time, the need to collect data on the use of fish aggregating devices so as to improve monitoring and mitigation measures for those devices. Although more work is needed to manage shared fish stocks with greater certainty for their long-term sustainability, RFMOs remain the best mechanisms for cooperatively regulating international fisheries. A number of RFMOs have conducted systematic reviews of their performance and are now assessing and implementing the recommendations of those reviews. Those reforms include taking steps to improve States’ implementation of, enforcement of and compliance with the rules they adopt as members of such organizations, including meeting their responsibilities as flag States.

The relevant outcomes of the United Nations Conference on Sustainable Development (Rio+20)

have been a key focus for this year's draft resolution on sustainable fisheries, and the draft resolution welcomes those Rio+20 outcomes. Rio+20 addressed the sustainable development of fisheries. It recognized the significant contribution of fisheries to all three dimensions of sustainable development and stressed the crucial role of healthy marine ecosystems, sustainable fisheries and sustainable aquaculture for food security and nutrition, and in providing for the livelihoods of millions of people.

The draft resolution reflects the commitments made by States at Rio+20 on the need to eliminate illegal, unreported and unregulated (IUU) fishing as a threat to sustainable development; to eliminate subsidies that contribute to IUU fishing and to the overcapacity of fishing fleets; and to enhance actions to protect vulnerable marine ecosystems from significant adverse impacts, including through the effective use of impact assessments.

The draft resolution also reflects Rio+20's recognition of the need for transparency and accountability in fisheries management by RFMOs. It also reflects the call for the adoption by 2014 of strategies to assist developing countries, particularly least developed countries and small island developing States, in developing their national capacities to conserve, sustainably manage and realize the benefits of sustainable fisheries.

New Zealand thanks Director Sergey Tarasenko and the staff of the Division for Ocean Affairs and the Law of the Sea for their expertise and support on both draft resolutions. I reiterate my thanks to Ambassador Eden Charles of Trinidad and Tobago for his expert coordination of the draft resolution on oceans and the law of the sea, and I express my appreciation for the hard work and cooperation shown by delegations in crafting both draft resolutions. It is our hope that the spirit of cooperation will be maintained as we continue to address the numerous and complex issues that face our oceans and fisheries.

**The Acting President** (*spoke in Arabic*): I now give the floor to the observer of the European Union.

**Mr. Marhic** (European Union): I am speaking on behalf of the European Union (EU) and its Member States. The acceding country Croatia; the candidate countries the former Yugoslav Republic of Macedonia, Montenegro and Serbia; the countries of the Stabilization and Association Process and potential

candidates Albania and Bosnia and Herzegovina; as well as Ukraine, the Republic of Moldova and Georgia, align themselves with the present statement.

Today, we celebrate 30 years since the opening for signature of the United Nations Convention on the Law of the Sea (UNCLOS) on 10 December 1982 at Montego Bay, Jamaica. It is one of the most important instruments adopted in the twentieth century. The States that negotiated the Convention on the Law of the Sea — also known, for the best reasons, as the constitution for the oceans and seas — were prompted by the desire to settle, in a spirit of mutual understanding and cooperation, all issues relating to the law of the sea and by their awareness of the historic significance of the Convention as an important contribution to the maintenance of peace, justice and progress for all peoples of the world.

The achievements that the Convention embodies are immense. It crystallizes the realization of an old idea encapsulated in Ambassador Arvid Pardo of Malta's seminal speech delivered on 1 November 1967 before the First Committee (see A/C.1/PV.1515), which would eventually lead to the adoption of the Convention. Important implementing instruments have also been adopted, such as the Agreement relating to the implementation of Part XI of the Convention (resolution 48/263), which paved the way for the Convention's entry into force in 1994, and 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. Hopefully, a decision will also be agreed without delay to initiate negotiations for an implementing agreement on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.

Today, celebrating 30 years from that historic moment, the Convention is strengthening its near universality, with 164 States parties, in that it embodies the legal framework within which all activities in the oceans and seas must be carried out. Today, we pay tribute to the negotiators of the Convention from all of the States that participated in the Third United Nations Conference on the Law of the Sea, and to all those who contributed to its adoption, entry into force, and, eventually, its universal acceptance. We warmly welcome Ecuador and Swaziland, the two new parties to the Convention and to the Agreement relating to the



implementation of Part XI of the Convention. The EU therefore continues to call upon those States that have not yet done so to accede to the Convention, the 1994 Agreement on the Implementation of Part XI of the Convention and the 1995 Fish Stocks Agreement.

The EU is of the view that one of the major events held this year was the third United Nations Conference on Sustainable Development, known as Rio+20, and we thank the Government of Brazil for hosting the Conference and for the hard work that enabled a successful outcome. The EU participated fully in the negotiations and is therefore particularly pleased that the global community recognized the importance of oceans and seas and their resources and the associated threats to continued sustainable development. The EU is also pleased to see that all States agreed to reflect the outcome of the Rio+20 Conference in the draft resolutions on oceans and law of the sea and on sustainable fisheries.

In particular, the EU wishes to highlight here some of the most important topics that were tackled in the Rio+20 outcome document entitled “The Future We Want” (resolution 66/288, annex): marine biodiversity in areas beyond national jurisdiction; sustainable fisheries, including illegal, unreported and unregulated fishing; marine pollution, including marine debris; and the impacts of climate change, particularly sea-level rise and ocean acidification.

Once again this year, the EU demonstrated its commitment to the United Nations Convention on the Law of the Sea, as well as to the 1995 Fish Stocks Agreement, by actively participating in the discussions that led to the drawing up of the draft resolutions before the General Assembly today. The EU firmly believes that the United Nations Convention on the Law of the Sea is a pillar of stability, peace and progress, and that it holds special importance in a difficult international context. At the same time, the EU would like to reiterate the importance it attaches to preserving the Convention’s integrity and its pre-eminent role as the legal framework for all ocean issues and ocean-related activities.

Turning now to the draft resolutions before us on oceans and the law of the sea and on sustainable fisheries, the EU would like to express its appreciation for the excellent cooperation shown by all delegations during the negotiations on both draft resolutions.

We welcome the fact that the General Assembly omnibus draft resolution (A/67/L.21) once again recognizes the scale of the challenge and the amount of effort required to combat piracy and armed robbery, which affects a wide range of vessels engaged in maritime activities. Furthermore, the EU would like to reiterate its deep concern about piracy, which is detrimental to the safety of persons and property, whether it is vessels that are attacked and sometimes hijacked, or prisoners held for ransom. In that context, the EU remains committed to combating piracy and is undertaking efforts in that regard, in particular in the framework of its Operation Atalanta.

Other major challenges, such as the declining quality of the marine environment and the continued loss of marine biodiversity, persist. Marine biodiversity is being threatened, and time is running out if we are to comply with the schedule established by the Plan of Implementation of the 2002 World Summit on Sustainable Development in Johannesburg and the relevant Aichi Biodiversity Targets of the Convention on Biological Diversity. In that context, the EU would like to highlight its support for the initiatives to protect the marine environment taken in accordance with the United Nations Convention on the Law of the Sea and under the auspices of Convention on Biological Diversity, as well as in the framework of regional cooperation.

In various forums, the EU has repeatedly expressed its concerns over the loss of marine biodiversity and has supported the work of the Ad Hoc Open-ended Informal Working Group in that regard. The EU welcomes the meeting of the Ad Hoc Open-ended Informal Working Group in New York from 7 to 11 May, pursuant to paragraph 168 of resolution 66/231, within the process initiated by the General Assembly in that resolution. The Working Group has sought to ensure that the legal framework for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction effectively addresses those issues by identifying gaps and ways forward, including through the implementation of existing instruments and the possible development of a multilateral agreement under the United Nations Convention on the Law of the Sea.

The EU is satisfied with the exchange of views at that meeting and endorses its recommendations. It recalls that in “The future we want”, building on the work of the Ad Hoc Working Group and before the end of sixty-ninth session of the General Assembly,

States committed to address, on an urgent basis, the issue of the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, including by taking a decision on the development of an international instrument under the United Nations Convention on the Law of the Sea.

At a time when the international scientific community must inspire the work of States and international organizations, the EU recognizes the relevance of the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-economic Aspects, and welcomes the fact that the recommendations adopted by the Ad Hoc Working Group of the Whole on the Regular Process are endorsed in the omnibus draft resolution. We also welcome the initiation of the second phase of the first cycle of the Regular Process and that the deadline for the first integrated assessment is 2014. In that context, the EU also welcomes the regional workshops already hosted by Chile, China and Belgium.

The draft resolution also addresses the concerns raised by the issue of climate change and its effects on the oceans, seas and living resources. To respond to the debates within the international community, the resolution equally takes into account various issues relating to such phenomena as ocean eutrophication, acidification, fertilization, atmospheric discharge of carbon dioxide and greenhouse-gas emission.

The international community must take an active role, in accordance with the law of the sea, in the preventive movement for the environment. In that regard, the EU welcomes the choice of topic for the fourteenth meeting of the Open-ended Informal Consultative Process, which will deal with ocean acidification. Looking back, the EU is satisfied with the outcome of the thirteenth meeting, this year, concerning marine renewable energies, which has been useful in providing an overview of developments in that field and which will help us to reduce carbon dioxide emissions, which the EU believes are responsible for climate change.

The EU appreciates the work of the Commission on the Limits of the Continental Shelf in discharging its mandate. We also duly welcome the decisions of the twenty-second Meeting of States Parties to the Convention regarding the work of the Commission.

Turning now to the sustainable fisheries draft resolution (A/67/L.22), the EU would like to reiterate

its strong commitment to the United Nations Fish Stocks Agreement, which, it considers, operationalizes the general principles contained in the Convention with regard to the management of highly migratory and straddling stocks. For that purpose, while acknowledging the reservations of some States, we continue to believe that effective implementation of the Agreement is necessary for the correct management of the stocks, and consequently we exhort all States to become parties. In that respect, the EU welcomes the new parties to the Agreement, Morocco and Bangladesh.

Furthermore, the EU would like to express its strong belief in the role of the regional fisheries management organizations or arrangements in the sustainable management of the fisheries resource and highly values the performance reviews undertaken by a number of them. The EU is therefore pleased that this year's draft resolution encourages the regional fisheries management organizations or arrangements to continue that exercise and to undertake such reviews on a regular basis.

The EU believes the draft resolution should highlight the most important and topical issues concerning sustainable fisheries. Thus we are pleased to see that it acknowledges the need for proper management of fish aggregating devices, including data collection, as well as the greater importance given to the protection of sharks.

The EU would like to reiterate once more its appreciation for the work done by the Food and Agriculture Organization of the United Nations, particularly the work of its Committee on Fisheries. We hold that the work of that Committee complements what we try to achieve with the sustainable fisheries resolution. Consequently, we have been happy to endorse the outcomes of the thirtieth meeting of that Committee, including the work on deep-sea species, marine species occupying low trophic levels, the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, and the guidelines to assist competent authorities in the implementation of voluntary instruments on the design, construction and equipment of fishing vessels and a new safety standard for small fishing vessels.

The safety of fishers and fishing vessels is indeed important for the EU. Consequently, we welcome the fact that the draft resolution refers to the new Cape Town Agreement, and we call upon States to become

party to that Agreement so that it can enter into force at the earliest opportunity.

Lastly, the EU would like to express its gratitude to the Secretariat and to the Division for Ocean Affairs and the Law of the Sea for the work done during the year, including the preparation of the annual report on oceans and the law of the sea, an invaluable compilation of recent developments. We would also like to thank the coordinators of the two draft resolutions for their unrelenting efforts to reach a consensus.

**Mr. Wolfe** (Jamaica): I have the honour to speak on agenda item 75 (a) on behalf of the members of the Caribbean Community (CARICOM): Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago and my own country, Jamaica.

CARICOM welcomes the very comprehensive and informative report of the Secretary-General contained in document A/67/79/Add.1, and other related documents concerning developments and issues relating to ocean affairs and the law of the sea.

CARICOM is naturally delighted that our annual General Assembly debate coincides with the special plenary session simultaneously being held in commemoration of the thirtieth anniversary of the United Nations Convention on the Law of the Sea (UNCLOS), which was opened for signature in Montego Bay, Jamaica on 10 December 1982. It is therefore important and worthwhile for us to recall that the provisions of the Convention, which define the rights and responsibilities of nations in their use of the world's oceans and establishes guidelines for businesses, the environment and the management of the marine natural resources, make that landmark international instrument as relevant today as it was 30 years ago, when it was adopted.

CARICOM notes that the Convention is accepted by an increasing number of States as the constitution of our oceans and seas. We are particularly pleased that, since the publication of the annual report of the Secretary-General, two Member States, namely, Swaziland and Ecuador, became parties to the Convention in September, thereby bringing the total number of States parties to 164.

CARICOM member States continue to rely significantly on the use of the Caribbean Sea for the

conduct of our regional and international maritime trade and commerce, as well as for the development of our tourism and fisheries industries. Accordingly, the protection of the Caribbean Sea and the sustainable management of its resources, including preservation of the marine environment, remains a priority for CARICOM member States. We welcome the acknowledgement of the inextricable linkages between the protection and sustainable management of the marine environment for sustainable development in all its dimensions in "The future we want" (resolution 66/288, annex). That was the outcome document of the United Nations Conference on Sustainable Development, which took place in Rio de Janeiro from 20 to 22 June of this year.

We wish to commend the work and activities of the Caribbean Sea Commission, which since its establishment in 2006 has been spearheading the initiative to designate the Caribbean Sea as a special area in the context of sustainable development. We also welcome the continued interest of the members of the international community in that endeavour, evident in their continued engagement in the negotiations on the biennial resolution entitled "Towards the sustainable development of the Caribbean Sea for present and future generations". Despite the progress made through the efforts of the Caribbean Sea Commission, CARICOM member States remain concerned about the threats to the preservation and protection of the region's marine environment and fragile ecosystems as a result of land-based run-offs, oil spills and ballast-water exchange.

We welcome the timely activities being undertaken by the United Nations Environment Programme, in conjunction with the Caribbean Environment Programme, in developing partnerships and integrated approaches in such areas as wastewater management and sanitation, sustainable agricultural practices, integrated coastal management, sustainable tourism and environmentally sound maritime transport in the wider Caribbean region. We also seek urgent international cooperation in order to address other pressing challenges such as the significant vulnerability of corals and coral reefs to climate change, ocean acidification, overfishing, destructive fishing practices and pollution.

CARICOM member States highly value the capacity-building programmes being made available to Member States under the auspices of the Division for Ocean Affairs and the Law of the Sea, particularly in

the area of marine scientific research. We are especially pleased to see the growing number of countries that have benefited from the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea and the United Nations-Nippon Foundation of Japan Fellowship Programme. They are of crucial importance, given the global significance of oceans to the sustainable development of our economies.

While CARICOM acknowledges the right of Member States to use nuclear energy for peaceful purposes, we remain deeply concerned about the continued transportation of nuclear waste and other hazardous material through the Caribbean Sea. Such activities are potential threats to the lives and health of our citizens, the environment and indeed our economies.

Like the rest of the international community, CARICOM remains deeply alarmed at the continued acts and attempted acts of piracy and armed robbery at sea, in the Horn of Africa off the coast of Somalia, the Gulf of Guinea and the Indian Ocean. Nevertheless, we are heartened to note that since 2011 there has been a reduction in the number of attacks, owing to the application of best practices by the international shipping industry, the continuing naval presence and the deployment of military protection detachments, among other factors.

In addition to existing threats posed by the trafficking of drugs, small arms and light weapons, CARICOM is also seriously concerned at the repeated incidents of human trafficking and migrant smuggling by sea. However, we are encouraged by the efforts of the United Nations Office on Drugs and Crime to address those threats, including the publication of the International Framework for Action to Implement the Smuggling of Migrants Protocol.

CARICOM commends the important work being undertaken by the three constitutive organs established by the United Nations Convention on the Law of the Sea: the Commission on the Limits of the Continental Shelf, the International Seabed Authority and the International Tribunal for the Law of the Sea.

With regard to the International Seabed Authority, CARICOM welcomes the successful outcome of the eighteenth Session of the Authority, which culminated in the adoption of the draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area. We are satisfied that those regulations have

been crafted in full accordance with the provisions of the Convention relating to the protection and preservation of the marine environment. CARICOM looks forward to the nineteenth session of the Authority, in 2013, at which it is expected that work on the draft regulations for the exploitation of deep seabed resources will finally commence.

With regard to the workload of the Commission on the Limits of the Continental Shelf, CARICOM notes from the addendum to the Secretary-General's report that the economic promises offered by the exploitation of seabed resources have also led to a steep increase in the number of submissions to the Commission. The increase coincided with what for many States parties to the Convention was the end, on 13 May 2009, of the 10-year period for making submissions to the Commission. We also note with interest the greater political attention being paid, at the highest level, to supporting the process to establish the outer limits of the continental shelf. CARICOM is therefore reassured by the very positive and important work being undertaken by the constitutive organs, which amply demonstrates the continued relevance of the Convention to the international community.

Finally, CARICOM closely shares and indeed endorses the observations outlined in the conclusion of the Secretary-General's report that

“[o]ceans play a key role in our lives whether or not we live in coastal areas. They are integral to sustainable development, offering many development opportunities such as achieving food security, facilitating trade, creating employment and generating tourism.” (*A/67/79/Add.1, para. 178*)

For CARICOM member States, these observations resonate strongly with our Governments, as they serve to underline the vital importance of the oceans and the utmost necessity of protecting and preserving the marine environment, so as to better safeguard the economic livelihoods of our countries and our very survival as viable nation States. We therefore urge the international community to respond urgently to the Secretary-General's appeal for Member States to facilitate greater adherence to, and implementation and enforcement of, the United Nations Convention on the Law of the Sea and its implementing agreements, as well as other relevant instruments.

**Mr. Beck (Palau):** On behalf of the Pacific Island Forum countries represented at the United Nations, I am

pleased to support the adoption of the draft resolution on oceans and the law of the sea (A/67/L.21) and on sustainable fisheries (A/67/L.22).

The year 2012 has been an important year for the oceans. Pacific Island Forum leaders welcomed the strong outcomes of the United Nations Conference on Sustainable Development (Rio+20) on the conservation and sustainable use of oceans and fisheries, and they agreed to use those outcomes to build global consensus on the importance of sustainable development of the Pacific Ocean for the benefit of the peoples of the Pacific during our 2012 Pacific Island Forum on “Large Ocean Island States — the Pacific Challenge”.

We are very pleased to see that the international community has reaffirmed the need for urgent collective action to address the state of our oceans and fisheries by incorporating the Rio+20 commitments into these General Assembly draft resolutions. The commitments from Rio represent an ambitious beginning, but we need to remain mindful that they are not an outcome in themselves. We need to work together to ensure that the effective implementation required to make the commitments meaningful does indeed take place.

We particularly welcome the Rio call to identify and mainstream by 2014 strategies that further assist least developed countries and small island developing States (SIDS) in developing their national capacity to conserve, sustainably manage and realize the benefits of sustainable fisheries. Maximizing the benefits of sustainable fisheries resources for the SIDS remains a key focus for the Pacific.

Indeed, 2014 will be a very important year for the Pacific, as Samoa will host the Third International Conference on Small Island Developing States. At that Conference, which comes once a generation, SIDS leaders will meet to consider the sustainable development challenges facing SIDS, including challenges relating to the conservation and sustainable use of marine resources and the preservation of the marine environment. We look forward to the support of all to ensure the success of the meeting.

We also welcome the urgent call to address issues relating to the conservation of marine biodiversity beyond areas of national jurisdiction. We are encouraged that States agreed on a time frame in which a decision on whether to develop an international instrument under the United Nations Convention on the Law of the Sea should be taken. The intersessional

workshops on biodiversity beyond areas of national jurisdiction — agreed in the oceans draft resolution — to be convened in 2013 will allow us to make the necessary progress on the technical issues.

We are pleased to see that the oceans draft resolution recognizes the impacts of climate change on the oceans. In that context, we welcome the decision to discuss ocean acidification in the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea in 2013. We were disappointed that it was not possible to also agree on a topic in the Informal Consultative Process relating to the Rio+20 follow-up on the oceans. We remind States that as the international community takes the Rio+20 outcomes forward, oceans must be considered and explored as part of the post-2015 development agenda and the all-important sustainable development goal process.

We welcome the support in the oceans draft resolution for the current assessment phase of the Regular Process. Pacific States are working together to contribute to the assessment, and Australia will host a regional workshop for South-West Pacific States in February 2013. We encourage all States to participate actively to ensure that maximum progress is made in advance of the 2014 deadline for that phase of the assessment process.

Before concluding, Palau wishes to associate itself with the statement to be made shortly by the Permanent Representative of Samoa on behalf of the Pacific small island developing States. We also wish to take a moment to make a few remarks in our national capacity.

Palau's Constitution obliges the Government to take positive action to conserve a beautiful, healthful and resource-full natural environment. That constitutional obligation finds its origin in Palau's ancient culture and tradition and is one to which Palau's leaders remain committed. It is a testament to their stewardship of Palau's marine environment that UNESCO designated Palau's Rock Islands a natural and cultural World Heritage Site this year and the World Future Council awarded Palau's Protected Areas Network and Shark Sanctuary the only World Future Policy Gold Prize of 2012.

However, Palau cannot act alone. If the domestic efforts of Palau are to be effective, the world as a whole must take action to ensure a healthy, sustainable ocean. That is why Palau has actively championed three straightforward fisheries principles: global fisheries

should be fair; global fisheries should be sustainable; and global fisheries should be accountable. More concretely, that is why Palau has advocated the end of bottom-trawling, shark-finning and the use of other unsustainable fishing practices. Palau is very pleased that this year's resolutions incorporate language on equity for developing coastal States and welcome the growing shark-sanctuary movement.

We look forward to the crafting of a new set of sustainable development goals (SDGs) in the coming year. Palau has long considered that a healthy environment is the key to our sustainable development. The SDGs give us a further opportunity to ensure that oceans are part of the global sustainability agenda, going forward. To that end, we will work with others on the open working group on sustainable development goals to craft a sustainable development goal on healthy and productive oceans.

Finally, as I speak today, Palau remains in a state of emergency brought about by super-Typhoon Bopha — the first typhoon in Palau's recent history. Barely a month after Hurricane Sandy devastated New York and New Jersey, Bopha has caused immense damage and has displaced hundreds of families of Palau. But Palau is fortunate. On course for our most populous centres, the typhoon veered south at the last minute, averting what would have been certain devastation. Our hearts and prayers are with those who bore its full force, particularly our friends in the Philippines, where at least 600 people are dead and countless others are missing.

Typhoon Bopha was a terrible reminder, as was Hurricane Sandy, of the fragility of our relationship with the oceans. Ocean warming, acidification and sea level rise affect us all — some more than others, sometimes more dramatically than at other times, but no one is immune. The world's efforts reflected in today's draft resolutions and in the creation of the SDGs will be for nothing, if we do not deal urgently and effectively with the causes of climate change.

**Mr. Elisaia** (Samoa): I have the honour to speak on behalf of the Pacific small island developing States represented at the United Nations, namely, Fiji, the Marshall Islands, the Federated States of Micronesia, Nauru, Palau, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu and my own country, Samoa.

The ocean plays an important role in the lives of all Pacific island peoples, and its importance cannot

be emphasized enough. For the Pacific small island developing States (SIDS), the green economy and the blue economy are complementary, which emphasizes the fact that the economies of many of our countries are largely dependent on the health and sustainable use of the ocean and its resources, as well as on land. That continues to be echoed time and again by our respective leaders in many international forums, including the United Nations and in our very own Pacific Islands Forum, which last August met under the apt theme, "Large Ocean Island States — the Pacific Challenge".

The Pacific SIDS welcome the strong language agreed in the oceans and seas section of the outcome document (resolution 66/288, annex) of the United Nations Conference on Sustainable Development (Rio+20), noting in particular the points on climate change and ocean acidification, the conservation and sustainable management of oceans, and coastal and fisheries resources. We are pleased to see that important elements from the Rio+20 outcome document have been incorporated in the resolution and that other pertinent points have been added to the two draft resolutions on oceans and the law of the sea (A/67/L.21) and on sustainable fisheries (A/67/L.22). For the sake of brevity, I will only list those points, rather than go into detail.

Those elements include developing and implementing science-based management plans, including by reducing or suspending fishing catch and fishing effort commensurate with the status of the stock. The importance of access to fisheries and to markets, especially for SIDS, is stressed. Illegal, unreported and unregulated fishing must be combated, and by-catch, discards and other adverse ecosystem impacts from fisheries must be managed, including by eliminating destructive fishing practices. States must commit to enhanced protection of vulnerable marine ecosystems. The importance of enabling developing countries to benefit from the conservation and management of oceans is stressed, and the need for capacity-building and transfer of technology is emphasized.

They stress the need to identify and mainstream by 2014 strategies that will assist SIDS to develop their capacity to conserve, sustainably manage and realize the benefits of sustainable fisheries. They express concern about marine pollution and point to the need to adopt coordinated strategies to address it by 2025. They point to the importance of addressing ocean acidification and its effects on fish stocks. They

invite States and international financial institutions to develop special financial mechanisms or instruments to assist SIDS to develop their national capacity to exploit fisheries resources, and they welcome the increasing attention being focused on oceans as a potential source of renewable energy.

The Pacific SIDS also welcome the reference in the draft resolution on the oceans and the law of the sea to the convening in 2014 of the Third International Conference on Small Island Developing States, which will be held in Samoa. The Conference presents a timely opportunity for continuing discussions among member States on the challenges relating to the conservation and sustainable use of marine resources and the preservation of the marine environment for SIDS, among other topics. While the aforementioned issues are formidable challenges, beyond the capacity of individual SIDS to address on their own, they are by no means insurmountable. Through genuine partnerships among all stakeholders, working together on sustainable solutions that are focused, forward-looking and implementable, the Conference in Samoa will offer a unique opportunity to move beyond mere discussions to the actual launch of tangible initiatives to address some of the challenges SIDS are facing.

The Pacific SIDS welcome the decision to have ocean acidification as the topic for discussion in 2013 in the Informal Consultative Process, bearing in mind that climate change and ocean acidification remain the greatest threat to the livelihoods, security and well-being of the peoples of the Pacific SIDS.

We commend the Secretary-General on the recently launched Oceans Compact initiative, which rightly provides a strategic vision for the United Nations system to deliver on its ocean-related mandates and for all stakeholders to work towards achieving the shared objective of "Healthy Oceans for Prosperity". We welcome the heightened attention being paid to oceans and look forward to working cooperatively with the Secretary-General in a transparent process in order to ensure the success of the initiative.

Finally, on the way forward, the Pacific SIDS emphasize the importance of oceans being adequately reflected in discussions and decisions on the post-2015 United Nations development agenda, including having healthy and productive oceans as one of the sustainable development goals. We are looking forward to the Secretary-General's High-level Panel on the Post-2015 Development Agenda. For our part, we will also actively

participate in the open working group on sustainable development goals.

**Mrs. Perceval** (Argentina) (*spoke in Spanish*): Allow me at the outset to thank both coordinators, Ambassador Eden Charles of Trinidad and Tobago and Ms. Alice Revell of New Zealand, for having conducted the negotiations on the draft resolutions before us today (A/67/L.21 and A/67/L.22). They both took on that responsibility for the first time and demonstrated their knowledge of the issues and their leadership.

As it does every year in the General Assembly, my delegation reiterates that the United Nations Convention on the Law of the Sea (UNCLOS) is one of the clearest contributions to the strengthening of peace, security, cooperation and friendly relations among nations. At the same time, it constitutes one of the international instruments with the most significant economic, strategic and political implications. The objective of the negotiators of the Convention, which in 2012 is celebrating the thirtieth anniversary of its opening for signature, was to solve "all issues relating to the law of the sea" in one single instrument.

The provisions of the Convention thus constitute a delicate balance of rights and obligations of States that emerged after nine years of negotiations. That balance is to be preserved by all States, individually and as members of international organizations with a competence in ocean affairs or of other organizations. That delicate balance is also to be preserved even as we address new challenges to the law of the sea, whether in the processes established in the framework of the General Assembly, in the specialized agencies with specific competence to do so as recognized by UNCLOS, or by any initiative of the Secretary-General or of financial institutions, which initiatives should also have adequate consultation with Member States. The Convention has a clearly universal character and is accepted as a legally binding norm, even by non-parties, as it constitutes in itself customary international law.

The Argentine delegation will make an explanation of position in relation to the draft resolution on sustainable fisheries (A/67/L.22). Allow me now to make some remarks on the issues dealt with in both that draft resolution and in the draft resolution on oceans and the law of the sea (A/67/L.21).

The question of biodiversity beyond the limits of national jurisdiction is one of the newest issues of the current law of the sea. At its sixty-sixth session,

and following the recommendations of the Ad Hoc Open-ended Informal Working Group established by resolution 59/24, the General Assembly decided to initiate a process to ensure the legal framework for the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction, which also contemplates the possibility of negotiating a multilateral agreement under the United Nations Convention on the Law of the Sea, that is, an implementing agreement of the pertinent principles of the Convention. The process that will develop in the context of the Ad Hoc Working Group will address the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction, in particular, together and as a whole, marine genetic resources, including the sharing of benefits, conservation measures, capacity-building and the transfer of technology. Argentina welcomes the fact that the Working Group, with its new mandate, held its first meeting in May.

We also welcome the fact that the General Assembly, in the draft resolution before us, has provided for convening workshops to deepen technical knowledge and will endorse not only the recommendations of the Working Group, but also the commitment of States contained in the outcome document of the United Nations Conference on Sustainable Development (resolution 66/288, annex) to make progress in the work with a view to adopting a decision before the end of the Assembly's sixty-ninth session to convene a conference to negotiate an UNCLOS implementing agreement.

Regarding the substance of that issue, my delegation wishes to reiterate that it must be duly taken into account that the expression "areas beyond national jurisdiction" comprises two maritime areas — the high seas and the Area — and that one of the objectives of the Convention, as set out in the Preamble, was

"to develop the principles embodied in resolution 2749 (XXV) of 17 December 1970 in which the General Assembly of the United Nations 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".

In line with the statements made by the Group of 77 and China in its two most recent ministerial declarations, we reiterate that that principle should be the basis for the consideration of the issue.

Argentina commends the Commission on the Limits of the Continental Shelf for its continuous and devoted work. In 2012, the twenty-second Meeting of States Parties to UNCLOS elected the members of the Commission. Following decision SPLOS/229 of the Meeting of States Parties, the Commission extended the duration of its sessions as well as those of its subcommissions. Consequently, the draft resolution on oceans and the law of the sea reiterates the request to the Secretary-General to take appropriate and timely steps to ensure that secretariat services are provided to the Commission and its subcommissions. That is a request that Argentina fully supports, and we call upon all Member States to honour that commitment, which has been agreed to by the meeting of States Parties and the General Assembly.

In addition, I would like to recall once again that the work of the Commission deals with the tracing — that is to say, the demarcation — of the limit already established in article 76, not to the rights of coastal States, and that article 77, paragraph 3, of the Convention provides that

"[t]he 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 also reflected in paragraph 59 of the draft resolution on oceans and the law of the sea.

The International Seabed Authority, following the recommendation of its Legal and Technical Commission, decided, at its eighteenth session, to establish areas of special environmental interest in the Clarion-Clipperton zone. Argentina supports that measure for the protection of the marine environment. My country calls upon the members of the Authority to continue to make progress in the adoption of norms, regulations and measures for the preservation of the marine environment pursuant to its competencies under article 145 of the Convention. Moreover, the Authority must continue the marine scientific research activities entrusted to it under article 143 of the Convention. In line with the provisions of the draft resolution, we call on international organizations and other donors to support the Authority's fund with a view to developing cooperative scientific research programmes with scientists and technicians from developing countries. In that connection, we welcome the presence in this Assembly, as every year, of the Secretary-General of the International Seabed Authority, Mr. Nii Odunton.



The International Tribunal for the Law of the Sea is the independent judicial institution established by the Convention. Argentina would like especially to recognize the presence of the President of the Tribunal, Judge Shunji Yanai, at this meeting. Since its establishment, the Tribunal has examined 20 cases, all of them having to do with various aspects of the law of the sea. Among them, allow me to highlight the advisory opinion issued by the Seabed Disputes Chamber in 2011 regarding *Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area*. That advisory opinion represents the first time that those two institutions established by the Convention interacted with each other pursuant to article 191 of the Convention and in compliance with the objective of guarding the common heritage of humankind. Argentina is one of the States parties that participated in the advisory opinion and welcomes the high level of participation occasioned about by that advisory opinion. Such participation demonstrates the commitment of States to the regime established by UNCLOS for the Area and to the institutions created by the Convention.

Argentina has supported the work of the Tribunal since its inception and is one of the 34 States parties that have accepted the jurisdiction of the Tribunal. Today, Argentina is pleased to see that the Tribunal's jurisprudence has strengthened its role as the specialized tribunal for the law of the sea, as foreseen in the negotiations on the Convention, and we welcome its contribution to preserving the integrity of international law.

As regards the draft resolution on sustainable fisheries, my delegation must reiterate the need not to ignore the rule governing all law of the sea negotiations, namely, the rule of proceeding by consensus, which was inherited from the negotiations on UNCLOS. At the sixty-fifth session of the General Assembly, that rule was not followed with regard to one aspect of the resolution on sustainable fisheries, and my delegation found itself forced to make reference to that in its explanation of vote (see A/65/PV.59). We would like to recall that consensus is the only way of ensuring wide acceptance of the resolutions of the General Assembly, and it must be respected in the negotiations.

Regarding the protection of vulnerable marine ecosystems, particularly with reference to paragraphs 83 to 87 of resolution 61/105, paragraphs 113 to 117 and 119 to 127 of resolution 64/72, and the relevant

paragraphs of subsequent resolutions, it must be recalled that, in accordance with article 77 of the Convention, the sedentary resources of the continental shelf are subject to the sovereign rights of the coastal States over the full extent of that maritime area. Therefore, the conservation and management of such resources is under the exclusive power of coastal States, which are responsible for adopting the necessary measures regarding such resources and their associated ecosystems that could be affected by fishing practices that can have a destructive impact, including bottom trawling in the high seas.

In that regard, I am pleased to recall that Argentina has adopted measures for the conservation of sedentary resources and vulnerable marine ecosystems situated within the full extent of its continental shelf. The draft resolution on sustainable fisheries recalls in paragraph 137, as it does every year, the exclusivity of the rights of the coastal State in areas of its continental shelf beyond 200 miles. Additionally and in accordance with what we just highlighted, paragraph 138 notes both the conservation measures adopted and the efforts made by coastal States to ensure compliance with those measures over the full extent of their continental shelf.

Also regarding fisheries, my country wishes to reiterate its concern regarding an increasing trend towards trying to legitimize, through General Assembly resolutions, attempts by regional fisheries management organizations to adopt measures beyond their spatial, material and personal area of competence. Argentina objects to the fact that General Assembly resolutions could be interpreted in that manner, particularly with respect to measures that could reflect some kind of claim of authority on the part of such organizations over flag ships of countries that are not members of such organizations and have not consented to such measures, which would contradict one of the basic norms of the law of treaties.

Finally, as it does every year when the General Assembly considers the report of the Secretary-General on oceans and the law of the sea and the relevant draft resolutions, Argentina wishes to express its appreciation to the Division of Ocean Affairs and the Law of the Sea, under the leadership of Mr. Sergey Tarasenko, for its professional and devoted work as well as for the assistance that it spontaneously provides to Member States on matters within its competence.

**Mr. AlFahad** (Kuwait) (*spoke in Arabic*): At the outset, it gives me pleasure to offer my gratitude to the President on his efficiency in conducting the work of the General Assembly at its current session. I would also like to thank the Secretary-General for his reports on oceans and the law of the sea, submitted in accordance with resolution 66/231.

The State of Kuwait welcomes the information in the Secretary-General's reports on oceans and the law of the sea, and affirms that the use of renewable marine energy can help build a sustainable future and create job opportunities as well as strengthen energy security, which can enable us to achieve the goals of sustainable development.

Renewable marine energy, as a source of energy, is therefore part and parcel of the global vision for sustainable development. For that reason, the State of Kuwait emphasizes the importance of increasing investments in technology, research and development and capacity-building, as well as the transfer of such technology, with a view to enhancing the exploitation of energy sources, particularly in developing countries.

Today, we celebrate the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea (UNCLOS), considered to be a constitution for the oceans. The State of Kuwait acceded to the Convention in 1986, and, in view of the importance we attach to that issue, in 2002 we ratified the Agreement concerning the implementation of Part XI of the Convention. Furthermore, in 2003 the State of Kuwait became party to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, and is also a party to the Protocol concerning Marine Pollution Resulting from Exploration and Exploitation of the Continental Shelf.

In that context, Kuwait welcomes the increase in the number of the States party to UNCLOS, which has now reached 164. We call on States that are not yet party to the Convention to accede, in order to help achieve our development goals and strengthen international peace and security. We also emphasize the importance of respecting international law and relevant international agreements and conventions, and of ensuring their implementation.

The current increase in criminal activities, including acts of piracy and armed robbery against ships, constitutes a danger to international trade and a threat to maritime navigation, as well as a risk to the

lives of those who work on such vessels. The State of Kuwait therefore condemns any act of piracy, hijacking of commercial vessels or terrorism on the high seas, and commends the efforts in that regard of the Contact Group on Piracy off the Coast of Somalia, as well as those of the Security Council. We need a concerted effort on the part of the international community to confront acts of piracy and armed robbery against ships through effective implementation of international law and the law of the sea, as well as the relevant legal instruments aimed at combating piracy. In that regard and based on the importance that the State of Kuwait attaches to combating piracy, in the past year we contributed \$1 million to the United Nations Trust Fund to Support the Initiatives of States to Counter Piracy off the Coast of Somalia.

We affirm our support for Security Council resolution 2077 (2012), of 20 November 2012, which, under Chapter VII of the Charter, calls on all States to criminalize piracy in their domestic laws and make active efforts to prosecute pirates and other suspects and detain those who facilitate their work and fund them on land, in accordance with the relevant international human rights and humanitarian law.

In conclusion, we call on all Member States to cooperate in and carry out joint efforts to benefit from our marine resources by exploiting technology and acceding to every legal instrument and international convention that can help achieve the environmental sustainability that we all desire and that will help to strengthen international peace and security.

**The Acting President** (*spoke in Arabic*): I now give the floor to the President of the International Tribunal for the Law of the Sea.

**Mr. Yanai** (International Tribunal for the Law of the Sea): It is a great honour for me to take the floor on behalf of the International Tribunal for the Law of the Sea in the General Assembly on its agenda item on oceans and the law of the sea. The International Tribunal for the Law of the Sea is one of the key dispute settlement mechanisms established by the Convention on the Law of the Sea. It was set up as a specialized court, universal in nature, to be called on to deal with disputes of any kind concerning the sea or activity carried out at sea. Twenty cases have been submitted to the Tribunal since it began operating in 1996. They have dealt with a number of questions, such as the legality of enforcement measures imposed on foreign vessels in the exclusive economic zone, the use of force

at sea, the prompt release of detained vessels and crews, the protection of fishery resources and of the marine environment and the delimitation of maritime areas.

On 14 November, a request for the prescription of provisional measures was submitted to the Tribunal by Argentina in a dispute with Ghana concerning the detention by the Ghanaian authorities of the frigate *ARA Libertad*. In the *M/V Louisa* case between Saint Vincent and the Grenadines and the Kingdom of Spain, the Tribunal delivered an order on a request for provisional measures submitted by Saint Vincent and the Grenadines. The hearing on the merits was held from 4 to 10 October, and the case is now under deliberation. In the *M/V Virginia G* case between Panama and Guinea-Bissau, the written proceedings phase will soon close and a hearing is planned for 2013.

I shall not dwell on those cases, which remain to be decided on their merits, but I would like to describe to the Assembly the main legal issues considered in a judgement delivered by the Tribunal on 14 March in its first maritime delimitation case. In its judgement of 14 March, the Tribunal delimited the maritime boundary between Bangladesh and Myanmar in the territorial sea, the exclusive economic zone and on the continental shelf in the Bay of Bengal. One of the salient features of the case was that the Tribunal was asked to decide on the delimitation between the parties of the continental shelf at a distance beyond 200 miles. Under the specific circumstances of the case, the Tribunal found that the

parties had overlapping entitlements to the continental shelf beyond 200 nautical miles, and it proceeded to delimit that area, stating that the delimitation method to be employed in the case for the continental shelf beyond 200 nautical miles should not differ from that within 200 nautical miles. It took slightly more than two years from the time that the case was brought to the date that the judgement was delivered, which is remarkably fast for a complex delimitation case. The judgement resolved a dispute that had existed for more than 36 years, and it was well received by the two States, which can now exploit the natural resources of their maritime areas.

I would like to touch on a final point relating to the activity of the Tribunal. Mention should be made of the Tribunal's activity in providing training in the law of the sea. Every year, as one aspect of that activity, the Tribunal welcomes some 20 interns from around the world, generally for three months at a time. Special trust funds were established to provide financial support to applicants from developing countries, with the assistance of the Korea Maritime Institute and the China Institute of International Studies. Along the same lines, I also want to make reference to the capacity-building and training programme on dispute settlement under the Convention, which is supported by the Nippon Foundation.

*The meeting rose at 1.05 p.m.*