



# General Assembly

Sixty-ninth session

**67**<sup>th</sup> plenary meeting  
 Tuesday, 9 December 2014, 3 p.m.  
 New York

Official Records

*President:* Mr. Kutesa ..... (Uganda)

*In the absence of the President, Mr. Kogda (Burkina Faso), Vice-President, took the Chair.*

*The meeting was called to order at 3.05 p.m.*

## Agenda item 74 (continued)

### Oceans and the law of the sea

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

**Reports of the Secretary-General (A/69/71 and A/69/71/Add.1)**

**Report on the Ad Hoc Working Group of the Whole (A/69/77)**

**Report on the work of the United Nations Open-ended Informal Consultative Process (A/69/90)**

**Letter from the co-Chairs of the Ad Hoc Open-ended Informal Working Group to the President of the General Assembly (A/69/177)**

**Draft resolution (A/69/L.29)**

#### (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

**Draft resolution (A/69/L.30)**

**Mr. De Vega (Philippines):** At the outset, my delegation would like to thank Ambassador Eden

Charles of Trinidad and Tobago and Ms. Alice Revell of New Zealand for their hard work, commitment and dedication in coordinating our annual draft resolutions on oceans and the law of the sea (A/69/L.29) and on sustainable fisheries (A/69/L.30), respectively. Water covers two-thirds of our planet's surface, and one half of that surface is high seas beyond the jurisdiction of any State. It is not surprising therefore that, taken together, our two draft resolutions today probably represent the most comprehensive subject that the General Assembly considers on an annual basis.

This year, on the eve of the twentieth anniversary of the opening for signature of the 1995 Fish Stocks Agreement, the Philippines became the eighty-second State party to the Agreement. That demonstrates our commitment to the conservation and optimum utilization of straddling and highly migratory fish stocks, both within and beyond the exclusive economic zone, and to the management of those stocks based on the precautionary approach and the best available scientific information.

The Philippines is very pleased to co-sponsor the draft resolution on sustainable fisheries, which reaffirms our common, global commitments, as set out in the outcome document of the United Nations Conference on Sustainable Development (Rio+20), entitled "The future we want" (resolution 66/288, annex), to eliminate illegal, unreported and unregulated fishing; to eliminate subsidies that contribute to such fishing and overcapacity; and to enhance actions to protect vulnerable marine ecosystems from significant

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adverse impacts, including through the effective use of impact assessments.

In addition, the draft resolution deals with many other critical issues, such as ensuring that the decisions taken by regional fisheries management organizations 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 important role as food for other species in the marine ecosystem.

Sustained global cooperation on ocean matters is paramount. We understand that the omnibus draft resolution on oceans and the law of the sea has been referred to the Fifth Committee because of programme and budget implications, but we would like to articulate our support for the draft. The Philippines also reaffirms its commitments articulated at Rio+20. Rio recognized that oceans, seas and coastal areas form an integrated and essential component of the planet's ecosystem and are thus critical to sustaining it.

Most importantly for coastal developing countries and small island developing States, the draft resolution also recognizes the importance of improving our understanding of the impact of climate change on oceans and seas. Science has begun to provide us proof of the linkage. A painful and tragic reminder for my country, the Philippines, was Typhoon Haiyan last year. I wish, in this regard, to reiterate our deepest gratitude to the United Nations and to all Member States and international civil society for their support and assistance following that very dark moment.

The draft resolution builds on previous years' resolutions and contributes to a rules-based international regime. It articulates our deepening concern over the continued threat of human activity to marine environments and biodiversity. The Philippines agrees that now, more than ever, we must take action to arrest marine pollution, including marine debris, which compromises the health of the oceans and of marine biodiversity. We need to neutralize—if not reverse—the adverse economic, social and environmental impacts of the physical alteration and destruction of marine habitats that might result from land-based and coastal development activities. The Manila Declaration on Furthering the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, which is

cited in paragraph 190 of the draft resolution, is very instructive in this regard.

Next year will be another important year, as we are poised to pursue our Sustainable Development Goals. We also look forward to the meeting next month 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, co-chaired by Sri Lanka and the Netherlands. We have to come to a decision on whether or not we should launch negotiations on that overriding topic. The Philippines believes that, yes, we should.

The Philippines is fully committed to maritime safety and security and to the fight against piracy. The 2010 Manila amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers are consistent with that commitment. We also support the acceleration of the work of the three bodies created by the United Nations Convention on the Law of the Sea (UNCLOS), namely, the Commission on the Limits of the Continental Shelf, the International Seabed Authority, which commemorated its twentieth session in Kingston in July, and the International Tribunal for the Law of the Sea, to which we elected new, highly qualified judges at our States parties meeting in June 2014.

The rules-based approach of UNCLOS is the way forward in addressing maritime disputes. We renew our call on those involved to avail themselves of the dispute-settlement mechanism in UNCLOS, even as we ask them to sustain dialogue and continue to explore opportunities for cooperation to fulfil our shared aspirations. It is for that reason that, as our friends are aware, the Philippines has been calling for the use of settlement mechanisms anchored in international law, such as arbitration, to bring disputes to a final and enduring resolution. We are confident that those true to the ideals of the United Nations will understand and support this advocacy by the Philippines. We also reiterate our support for the Secretary-General's call on States parties to UNCLOS to clearly define and publicize the limits of their respective maritime zones, so that other States parties will have greater certainty regarding their maritime spaces and thus avoid disputes.

In closing, we reiterate the call for all States that have not yet done so to ratify UNCLOS and contribute to its universality. UNCLOS has stood the test of time, anchoring the rule of law governing the rights and

responsibilities of nations in their use of the world's oceans. UNCLOS allows for an environment of peace and security to flourish in our maritime spaces.

**Mr. Pálsson** (Iceland): I would like at the outset to thank the Secretariat, including the able staff of the Division for Ocean Affairs and the Law of the Sea, for the valuable assistance provided to Member States through the preparation of reports and all other activities. I would also like to thank the two coordinators, Ambassador Eden Charles of Trinidad and Tobago and Ms. Alice Revell of New Zealand, for conducting the informal consultations on the two draft resolutions before us, on oceans and the law of the sea (A/69/L.29) and sustainable fisheries (A/69/L.30).

The United Nations Convention on the Law of the Sea is a fundamental pillar of Iceland's oceans policy. The Convention, the first and only comprehensive treaty in this field, provides the legal framework for all uses of the oceans and their superjacent air space and subjacent seabed and subsoil. It is imperative that the Convention be fully implemented and that its integrity be preserved, and we call on those States that have not yet done so to ratify the Convention in order to fully achieve the goal of universal participation.

The three institutions established by the United Nations Convention on the Law of the Sea play a very important role in the implementation of the Convention, and we note with satisfaction that they are all functioning well and are more active in their work than ever before.

I would like to mention in particular the Commission on the Limits of the Continental Shelf, which has already received 75 submissions from coastal States, including Iceland, regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles. The Commission has issued 21 recommendations to coastal States thus far. The Commission thus has a considerable workload, and it is imperative that everything be done to ensure that its working conditions are satisfactory. Accordingly, Iceland calls on States to work together to improve the conditions of service of the members of the Commission. It should be recalled that the recommendations of the Commission carry particular weight, as they form the basis for the establishment of final and binding outer limits for the continental shelf by coastal States.

We are pleased to note the decision contained in the draft resolution on oceans and the law of the sea to

authorize the Secretary-General, as an interim measure and subject to conditions, to reimburse members of the Commission from developing States for the costs of medical travel insurance from the trust fund established pursuant to resolution 55/7 for the purpose of facilitating the participation of members of the Commission from developing States in the meetings of the Commission. We also welcome the request to the Secretary-General to provide written information on options for mechanisms to provide medical insurance coverage to members of the Commission, including costs.

Iceland furthermore welcomes the request that the Secretary-General provide, in consultation with the Commission and before the end of April 2015, written information on options for providing additional working space to the Division for Ocean Affairs and the Law of the Sea in order to ensure that the members of the Commission have sufficient working space during their work at the sessions of the Commission and its subcommissions.

A key issue that we are currently dealing with within the field of oceans and the law of the sea is the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction. That issue, as such, is extremely broad in scope, as it includes basically all marine life in the water column beyond the exclusive economic zone and on the seabed beyond the continental shelf.

Therefore, before a decision is taken to develop a possible implementing agreement under the Convention, it is imperative to define the scope of a possible agreement in order to ensure predictability and success. We welcome the constructive exchange of views at the first and second meetings 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, but at the same time emphasize the need to make progress on the definition of the scope of a possible agreement.

In the view of Iceland, if the development of an agreement will indeed be considered feasible, focus should be placed on the issue of the sharing of benefits from the exploitation of marine genetic resources in areas beyond national jurisdiction. Since the negotiation of the Convention on the Law of the Sea, there has been a huge development in the knowledge of the deep seabed and the value of marine genetic resources. It is,

therefore, natural that the Working Group focus on this issue.

In contrast, care should be taken not to reopen issues that are already subject to a sufficient international legal regime. A good example of such an issue is high seas fisheries, which are subject to the legal regime of the Convention on the Law of the Sea, which was complemented by the 1995 Fish Stocks Agreement. That Agreement provides the legal framework for the work of regional fisheries management organizations and for high seas fisheries. The scope of a possible new instrument should, therefore, not include fisheries.

The sustainable use of living marine resources is at the core of Iceland's oceans policy, and we strongly advocate the same principle in all international forums. Iceland, being an island State located in the middle of the North Atlantic Ocean, cannot sustain its people's livelihood without healthy oceans, marine ecosystems and resources. We emphasize that texts on any controversial issues must be balanced to take into account different views of States and be in accordance with the relevant provisions of the Convention on the Law of the Sea.

Iceland endorses the reaffirmation, contained in the draft resolution on sustainable fisheries, of the importance of the long-term conservation, management and sustainable use of the living marine resources of the world's oceans and seas and the obligations of States to cooperate to this end, in accordance with international law, in particular the Convention on the Law of the Sea and, where applicable, the 1995 Fish Stocks Agreement.

We look forward to commemorating the twentieth anniversary of the adoption of the 1995 Fish Stocks Agreement next year and welcome its recent ratification by the Philippines, bringing the total number of States parties to the Agreement to 82. We strongly encourage those States that have not yet done so to use the occasion of the commemoration next year to ratify this important treaty.

**Mr. Shihab** (Maldives): My delegation is grateful for this annual opportunity to express our thoughts on oceans, fisheries and the law of the sea. At the outset, my delegation would like to thank Ambassador Eden Charles of Trinidad and Tobago and Ms. Alice Revell of New Zealand for ably guiding us through the respective informal consultations on the draft resolutions on oceans and the law of the sea (A/69/L.29) and sustainable fisheries (A/69/L.30).

Maldives is an archipelago of 1,200 small islands. The ocean is intrinsically linked with our daily livelihoods and forms the basis of our economy. Our traditional pole and line fisheries contribute crucially to our economy, providing jobs, healthy food and our cultural identity. Our oceans have been and continue to be an important transport corridor connecting my country to the global market. Oceans and the biodiversity they harbour also fuel our tourism industry. The beauty and the richness of our oceans draw visitors from all over the world. In fact, the success of our tourism industry was a key contributing factor in our graduation to the status of middle-income country in 2011. Maldives' example shows clearly that integrated oceans management is key to the successful development path of small island developing States (SIDS).

The Maldives is committed to the negotiations on oceans and the law of the sea and fisheries. We believe outcomes related to the oceans are inherently multilateral and must be deliberated among the international community. Ocean currents carry water masses and anything in them across borders. Fish stocks and other marine organisms migrate over them. Therefore, the conservation and sustainable use of oceans, fish stocks and other resources also need to be discussed at an international level, providing the legal framework, such as the legal regime reflected in the United Nations Convention on the Law of the Sea.

My delegation is pleased to see the vital debate happening more frequently. Oceans and fisheries were strongly reflected in "The future we want" (resolution 66/288, annex). Together with others we raised a loud and clear voice for a stand-alone goal on oceans in the Open Working Group on Sustainable Development Goals. Just a year ago the question still was, will there be a sustainable development goal on the oceans and seas? Now we are delighted to see the goal is settled firmly at the core of the proposal.

The sustainable use of oceans entails different methods for different species, taking into account that, due to their biology and characteristics, they require special caution. Recognizing this principle, the Maldives says, "ban the fish of certain species groups, such as sharks", because we are convinced that this is the best way of ensuring their continued survival and their vital contributions to the health of our ecosystems and economy.

We, as an international community, can build on the common understanding that conservation and the

sustainable use of our marine resources will enable the largest and long-lasting development gain for all of us. We need to eliminate destructive fishing practices which throw fish stocks to their maximum sustainable yield and reverse biodiversity loss in the oceans. The Maldives calls upon all Member States to renew their political commitment to finding an urgent solution for biodiversity loss.

The Maldives believes there is a need for further commitment by States in enforcing regional agreements on the management of the oceans' resources. This could provide more capacity to regional fisheries management organizations and make them better equipped in ensuring the sustainable management of our oceans. We also need to abolish subsidies to maintain large long-distance fishing fleets, contributing to the problem of overcapacity, overfishing and illegal and unreported and unregulated fishing. These subsidies are not only environmentally unsustainable and morally questionable, they are also economically unprofitable.

The protection and sustainable use of marine resources for SIDS like the Maldives represents a key part of our sustainable development. The protection and sustainable use of marine resources requires scientific expertise, the collection of data and good monitoring systems. Small island developing States have been the custodians of oceans and could fulfil this role even better with improved capacity and technology transfer in this regard. Oceans are the centre and the source of life for all of us — life that we all need to protect.

**Mr. Rao (India):** At the outset, I thank you, Sir, for convening this meeting, and I also thank the Deputy Permanent Representative of Trinidad and Tobago and the representative of New Zealand for coordinating the informal meetings and consultations on the draft resolutions on oceans and the law of the sea (A/69/L.29) and on sustainable fisheries (A/69/L.30).

The agenda item "Oceans and the Law of the sea" is a subject of importance and interest for the whole international community. This year marked the twentieth anniversary of the entry into force of the United Nations Convention on the Law of the Sea, concluded in 1982, which is the constitution for the Oceans, and I take this opportunity to congratulate all for that.

The Convention, together with the related Agreements, represents a major achievement in the codification and progressive development of

international law. It enjoys widespread acceptance, with 166 States being parties to it at present. The Convention provides the legal framework for the use of oceans and seas and their resources by establishing a delicate balance between the need for economic and social development and the need to protect and preserve the marine environment and conserve and manage its resources.

The oceans cover almost three quarters of the Earth. As States look to ocean resources as a means to economic growth and social advancement, the development of an ocean-based economy is attracting more attention. Over the past 20 years, the Convention has contributed pre-eminently to the sustainable development of the oceans and seas and to the promotion of the economic and social advancement of all peoples of the world. This proves that, as reflected in the document "The future we want" (resolution 66/288, annex), oceans and seas have a critical role to play in the achievement of the Millennium Development Goals and the post-2015 development agenda. However, we must bear in mind that to realize the full potential of oceans and seas, ocean-based activities must be carried out in a sustainable manner, in accordance with internationally agreed principles, in particular the principles contained in the Convention.

Our oceans face huge challenges, including the deterioration of the marine environment, the loss of biodiversity, climate change, illegal fishing practices and others relating to maritime safety and security, including acts of piracy and armed robbery at sea. Acts of piracy and armed robbery at sea, committed in any part of the world, pose a grave threat to maritime trade and the security of shipping. Piracy endangers the lives of seafarers, affects national security and territorial integrity, and hampers the economic development of nations. We appreciate the work of the Contact Group on Piracy off the Coast of Somalia in containing piracy through international cooperation and coordination. India has actively participated in international efforts to combat piracy and armed robbery at sea. We are gratified that these efforts are yielding results.

We thank the Secretary-General for his report (A/69/71) and the addendum thereto (A/69/71/Add.1) on issues concerning oceans and the law of the sea. We welcome the report (A/69/90) of the co-Chairs of the fifteenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, in which deliberations focused on

the topic “The role of seafood in global food security”. As fisheries are the principal source of seafood, the participants recognized their importance for global food security and their nutritional value for human beings.

The increasing levels of pollution in the marine environment and illegal and disruptive fishing practices are serious concerns, as they pose threats to healthy fisheries and their management. We stress the need to devise improved methods of harvesting living marine resources to help combat illegal and disruptive fishing and to ensure the healthy, safe and sustainable fisheries required to enhance global food security.

We welcome the report (A/69/77) of the co-Chairs of the meeting of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of Marine Environment, including socioeconomic aspects. We commend the efforts made towards materializing the first global integrated assessment of the state of the marine environment. We are pleased to inform the Assembly in this regard that the Government of India hosted a workshop in support of the Regular Process under the auspices of the United Nations in the city of Chennai in the last week of January 2014, which was duly taken note of by draft resolution A/69/L.29, which we hope will be adopted today.

Another area in which the international community is engaged relates to the study of issues concerning the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. The Working Group established by the General Assembly held two meetings, in the months of April and June this year, wherein discussion focused on the scope, parameters and feasibility of an international instrument under the Convention on the Law of the Sea Convention, of 1982, on the issues of conservation and the sustainable use of marine biological diversity beyond areas of national jurisdiction. As differences of opinion surfaced due to the complexity of the issues and interests involved, in our view it is appropriate to follow the principles contained in the Convention and to take a cautious approach by avoiding hasty decisions without full scientific knowledge regarding relevant factors.

The smooth functioning of the institutions established under the Convention — namely the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission

on the Limits of the Continental Shelf — hold the key to the proper implementation of the provisions of the Convention and to the realization of the desired benefits of the uses of the sea. We therefore support all efforts towards ensuring their smooth functioning, and note with satisfaction the progress made by these institutions in their respective areas. As a country with a vast coastline and numerous islands, India has a traditional and abiding interest in maritime and ocean affairs and assures its full cooperation in efforts towards ensuring the proper management and sustainable use of the oceans and seas as a responsible partner of the international community.

Finally, we thank both the coordinators for having successfully conducted the consultations on the draft resolutions on “Oceans and the law of the sea” and “Sustainable fisheries”. We appreciate the value addition of various paragraphs of draft resolution A/69/L.29, in particular those relating to medical insurance for the members of Commission on the Limits of the Continental Shelf belonging to developing countries. We support the adoption of the draft resolutions. We thank the staff of the Division for Ocean Affairs and the Law of the Sea of the Secretariat for their professionalism.

**Ms. Tan** (Singapore): My delegation is pleased to address the General Assembly on agenda item 74, “Oceans and the law of the sea”. We thank the Secretary-General for his comprehensive reports on this agenda item (A/69/71). We would also like to thank Ambassador Eden Charles of Trinidad and Tobago and Ms. Alice Revell of New Zealand for their excellent work in coordinating the informal consultations on the draft omnibus resolution on oceans and the law of the sea (A/69/L.29) and the draft resolution on sustainable fisheries (A/69/L.30), respectively. We also wish to record our appreciation to the Director and the staff of the Division for Ocean Affairs and the Law of the Sea for their assistance and support on these drafts.

On 16 November this year, the international community commemorated the twentieth anniversary of the entry into force of the United Nations Convention on the Law of the Sea (UNCLOS). Singapore is grateful that one of our very own, Ambassador Tommy Koh, was accorded the honour and privilege of presiding over the third United Nations Conference on the Law of the Sea, from 1980 to 1982 — the process which gave birth to this constitution of the oceans, which has stood the test of time. Over the past 20 years, the

vital contribution of UNCLOS to the maintenance and strengthening of peace, security, cooperation and friendly relations among all nations has been widely and repeatedly recognized. This achievement is owing to and reflective of, among other things, the careful balance that was struck in UNCLOS of the competing uses of the oceans and seas. My delegation is firmly of the view that the contributions and the importance of UNCLOS will only continue to grow in the years to come.

In this regard, we echo the call in the draft omnibus resolution for States that have not done so to become parties to UNCLOS in order to fully achieve the goal of universal participation. As it stands, UNCLOS, with its 166 States parties, enjoys near universal acceptance. Furthermore, even States that have yet to become parties also recognize much of UNCLOS as reflecting customary international law. Indeed, UNCLOS has been recognized as setting out the legal framework within which all activities in the oceans and seas must be carried out and it remains the overarching framework for the governance of the world's oceans and seas.

This year also marks the twentieth anniversary of the establishment of the International Seabed Authority (ISA), one of the three institutions created by UNCLOS. Singapore commends the work that the ISA has done in establishing a deep seabed mining regime. As a newly elected member of the ISA Council, Singapore firmly believes that we will be able to contribute constructively to the Council as it works to establish policies to safeguard the common heritage of humankind. Singapore values the contributions of all the ISA member States and therefore urge that all members continue to participate actively in the meetings organized by the ISA secretariat.

On the issue of sustainable development, my delegation notes that the oceans and seas form an essential component of the Earth's ecosystem and are critical to sustainable development. The sustainable use of oceans and seas, and of their resources, is particularly pertinent in the light of its contribution to poverty eradication, sustained economic growth and food security, at the same time as protecting marine biodiversity and addressing the impacts of climate change. We are also mindful that the full development potential of the oceans and seas can be realized only when ocean-based activities are carried out in a sustainable manner. In this regard, we are heartened to note that the Open Working Group on Sustainable

Development Goals established by the General Assembly considered the issue of oceans and seas and proposed a goal to conserve and sustainably use the oceans, seas and marine resources for sustainable development. Accordingly, we are very supportive of, and look forward to contributing constructively to, the development of the post-2015 development agenda on this issue.

On a related note, my delegation followed with great interest the exchange of views that took place at the first and second meetings of the Ad Hoc Open-ended Informal Working Group on issues concerning marine biodiversity beyond areas of national jurisdiction, which were convened in April and June. We look forward to the next meeting, to be held in January 2015. In this regard, my delegation affirms the view that UNCLOS must remain the overarching framework for discussions on this issue. The principles, rights and duties enshrined within UNCLOS continue to be relevant, and any future work in this area should not contradict or undermine UNCLOS. In addition, the principles and provisions in UNCLOS should not be applied selectively, but viewed in a holistic manner.

Singapore's long-standing commitment to the law of the sea is well known. We are a small island developing State with significant maritime interests. We are also one of the three littoral States bordering the Straits of Malacca and Singapore. These Straits are a major international shipping route of long-standing importance. Today, approximately 90 per cent of global trade is carried by sea, about half of which passes through these Straits. It is therefore in our common interest that adherence to the principles, rights and duties under UNCLOS, which include those relating to navigation and passage, continue.

At the time UNCLOS entered into force, it represented, in many ways, a new global order for the oceans and seas. Beyond the achievements marked by its inception, we have, over the past 20 years, also witnessed first-hand the continued successes of UNCLOS in maintaining and strengthening a peaceful order in the world's oceans and seas. Singapore is committed to ensuring the continued maintenance of this peaceful order, and it is our firm belief that this can only be achieved by continuing to respect and maintain the integrity of UNCLOS.

**Mr. Sahebzada Ahmed Khan** (Pakistan): At the outset, I thank the President of the General Assembly for having convened this very important debate on

agenda item 74, concerning the oceans and the law of the sea and sustainable fisheries. In this context, the importance of the United Nations Convention on the Law of the Sea as the multilevel framework to which the vast majority of States subscribes cannot be overemphasized. Issues such as global warming, the pollution of oceans and seas, rising sea levels, ocean acidification and fish stock depletion threaten not only the lives of millions, but also the existence of many low-lying States. Pakistan therefore attaches great importance to United Nations Convention on the Law of the Sea and its effective implementation. We fully agree that the human, institutional and systemic capacity for the sustainable management of the marine environment and marine resources hold the key to unlocking the benefits of seafood for global food security.

My delegation would like to thank the co-Chairs of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea for providing a summary of its fifteenth meeting to the General Assembly, contained in document A/69/90, of 6 June 2014. Pakistan takes note of the report submitted by the Secretary-General pursuant to resolution 68/70 (A/69/71). We also note with concern that the backlog of cases before the Commission on the Limits of the Continental Shelf has continued to increase. In this regard, we support the measures aimed at providing the requisite professional and technical support to the Commission and its members in fulfilling their important responsibilities.

Ensuring maritime security is also vital to the international shipping industry. Since almost 90 per cent of global trade takes place through international shipping, secure and tranquil shipping routes are essential to our progress and development. With this in view, Pakistan plays an active role in the Contact Group on Piracy off the Coast of Somalia and greatly appreciates its role in containing piracy through international cooperation and coordination. As the Secretary-General reports, the reduction of 12 per cent in armed robbery and piracy at sea in 2013, primarily owing to a reduction in piracy off the coast of Somalia, gives us all reason to be optimistic.

Pakistan believes in the need effectively to address the gaps in the implementation of the provisions of the Convention relating to the transfer of technology and capacity-building. It is crucial to enable developing countries to access and benefit from the sustainable use of marine biodiversity in areas beyond national

jurisdiction, including genetic resources. Pakistan firmly believes that the genetic resources of the seabed and ocean floor beyond the limits of national jurisdiction are a common heritage of humankind to be explored and exploited for the benefit of all of humanity. Pakistan looks forward to the January meeting of the Open-ended Working Group to make further progress on the issue.

Before I conclude, my delegation would like to thank the coordinators for their tireless efforts in undertaking extensive consultations on the draft resolutions on oceans and the law of the sea (A/69/L.29) and sustainable fisheries (A/69/L.30). Let me reaffirm Pakistan's continued support for and cooperation with the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea, the three institutions established under the United Nations Convention on the Law of the Sea.

**Mr. Liu Jieyi (China)** (*spoke in Chinese*): This year we have solemnly commemorated the twentieth anniversary of the entry into force of the United Nations Convention on the Law of the Sea and taken stock of the achievements made in the past 20 years since the Convention came into force. The Convention provides an important guarantee for maintaining the just and reasonable international maritime order. China will work with other countries to push forward the building of harmonious seas and oceans, promote the peace, security and openness of the oceans, balance the scientific preservation and rational utilization of the oceans on the basis of international law, including the Convention, so as to realize the common development, mutual benefit and win-win interaction of all members of the international community.

The Chinese delegation actively participated in the consultations regarding the draft resolutions on oceans and the law of sea (A/69/L.29) and sustainable fisheries (A/69/L.30). Here, I wish to thank Ambassador Eden Charles of Trinidad and Tobago and Ms. Alice Revell of New Zealand for their contributions as the facilitators of the consultations on the two draft resolutions.

I wish to take this opportunity to elaborate on the position and propositions of the Chinese delegation on the relevant issues concerning oceans and the law of the sea.

First, the Chinese Government attaches great importance to the work of the Commission on the Limits

of the Continental Shelf and positively evaluates the diligent efforts and results of the work of the members of the Commission. China supports the Commission fulfilling its mandate strictly in accordance with the Convention and its own rules of procedure in order to ensure the quality and professionalism of its consideration of submissions and appreciates the positive contributions made by the Commission to a balanced handling of the legitimate rights and interests of coastal States as well as the overall interests of the international community. In view of the increasingly heavy workload of the Commission, the Chinese delegation calls on all parties to continue to promote the improvement of the working conditions of the Commission and address issues such as that concerning medical insurance for Commission members so as to help the Commission to smoothly fulfil its responsibilities. This year, China once again contributed \$20,000 to the relevant trust fund to help members of developing countries attend the meetings of the Commission.

Secondly, the Chinese delegation congratulates the International Seabed Authority on its achievements over the past year. Among them, in particular, are the holding of a commemorative meeting on the twentieth anniversary of the Authority and the approval of seven applications for mining areas on the international seabed, which reflects the dynamic activities taking place on the international seabed. China supports the secretariat of the Authority in its continued effort to use questionnaires and seminars to seek the views of as many stakeholders as possible, including contractors, during the process of preparing the draft regulatory regime for the exploitation of resources on the international seabed. As a developing country, China attaches great importance to the effective and comprehensive participation of developing countries in affairs concerning the international seabed and has provided help within our capacity. This year China made another contribution of \$20,000 to the Voluntary Trust Fund of the Authority to finance the participation of members from developing countries in meetings of the legal and technical committee and the financial committee of the Authority.

Thirdly, the Chinese delegation takes note of the increasing caseload of the International Tribunal for the Law of the Sea and the ever-wider fields the cases cover. China values and supports the important role that the Tribunal continues to play in the peaceful settlement of maritime disputes, the maintenance of international

maritime order and the dissemination of the law of the sea. China appreciates the Tribunal's positive role in helping developing countries with capacity-building. China is concerned about the first-ever case of a request for an advisory opinion of the full bench of the Tribunal and has submitted its written statement in this context. China is of the view that neither the Convention nor the Statute of the Tribunal endows the Tribunal with full-bench advice jurisdiction, and hopes that the Tribunal will give full consideration to the concerns of all parties and approach the relevant case with caution.

Fourthly, the international community attaches great importance to the preservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. The Chinese delegation believes that as high seas and international areas of the seabed involve the common interests of the international community as a whole, a proper approach to marine biodiversity in the above areas is of great significance to the maintenance of a just and reasonable international maritime order. Relevant activities should proceed in an orderly and progressive manner so as to fully accommodate the need of all countries, in particular developing countries, for reasonable use of marine resources.

Fifthly, the Chinese delegation is pleased to note that the institutional framework of the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, has been established and that the draft version of the first integrated assessment report will soon be completed. China nominated an expert to the drafting group, who actively participated in its work. China stands ready to make further efforts in this regard. China attaches great importance to the smooth proceeding of the work of the Regular Process, and plays its due role therein. China supports enhancing the capacity-building of the Division for Ocean Affairs and the Law of the Sea as the secretariat of the Process.

Lastly, as a responsible fishing nation, China takes an active part in the work of various international fishery organizations and commits itself to the strengthening of the conservation and management of fishery resources. The Chinese Government will continue to work with the countries concerned to promote the development and refinement of the international fisheries regime, regulate fishing activities, and make active efforts to achieve the sustainable use of marine biological resources, conserve the marine ecobalance, and ensure the sharing of fishery benefits by all countries.

China staunchly defends and promotes the international maritime rule of law and the peaceful settlement of maritime disputes. The Chinese Government consistently follows an independent foreign policy of peace. We maintain that maritime disputes should be resolved peacefully in accordance with the purposes and principles of the Charter of the United Nations and the provisions of the Convention and that the lawful rights of countries to independently choose means to peaceful settlement should be respected. Before the relevant issues are completely resolved, the parties concerned should engage in dialogue and seek cooperation so as to jointly safeguard the peace and stability of marine areas involved. China looks forward to further strengthening cooperation with all countries so as to address challenges together, share the opportunities and wealth provided by the oceans and seas and jointly seek sustainable maritime development. We will work for the building of harmonious oceans and seas so that they will forever benefit humankind.

**The Acting President** (*spoke in French*): In accordance with General Assembly resolution 51/204, of 17 December 1996, I now call on Mr. Vladimir Golitsyn, President of the International Tribunal for the Law of the Sea.

**Mr. Golitsyn** (International Tribunal for the Law of the Sea): On behalf of the International Tribunal for the Law of the Sea, I wish to express my appreciation for the opportunity given to me to address this sixty-ninth session of the General Assembly on the occasion of its annual examination of the agenda item entitled "Oceans and the law of the sea".

I will first make a few remarks relating to the organization of the Tribunal then take this opportunity to elaborate on the role the Tribunal plays under the United Nations Convention on the Law of the Sea.

With regard to organizational matters, I would note that on 11 June the Meeting of States Parties elected seven judges to the Tribunal for a term of nine years. Five judges of the Tribunal have been re-elected: Albert Hoffmann, of South Africa; James Kateka, of the United Republic of Tanzania; Jin-Hyun Paik, of the Republic of Korea; Stanislaw Pawlak, of Poland; and Shunji Yanai, of Japan. The newly elected judges are Alonso Gómez-Robledo Verduzco, of Mexico, and Tomas Heidar, of Iceland. I would also note that, on 30 September 2014, my predecessor, Judge Shunji Yanai, completed his three-year term as President of the

Tribunal. On 1 October 2014, I was elected President of the Tribunal for a three-year term, and the Tribunal elected Judge Boualem Bouguetaia Vice-President and Judge José Luis Jesus President of the Seabed Disputes Chamber.

I now wish to make a few remarks on the Tribunal's role under the Convention. First, it should be underlined that the Tribunal has an important role in the dispute-settlement system established by the Convention.

I wish to express my appreciation for the continued efforts made by the General Assembly to encourage States parties to the Convention that have not yet done so to consider making a written declaration, choosing from the means set out in Article 287 of the Convention. Let me emphasize that, regardless of whether the parties to a dispute have made a declaration under article 287 or what choice they may have expressed in any such declaration, they may at any time agree to submit the dispute to their preferred dispute settlement body, including the International Tribunal for the Law of the Sea. The latest case decided by the Tribunal, a dispute between the Republic of Panama and the Republic of Guinea-Bissau concerning the oil tanker *M/V Virginia G*, was submitted pursuant to such a special agreement concluded between the parties, in which they agreed to bring the case before the Tribunal after Panama had instituted arbitration proceedings. This procedure is perfectly in line with Article 280 of the Convention, which safeguards the parties' right to agree at any time to settle a dispute between them concerning the interpretation or application of this Convention by any peaceful means of their own choice.

In the *M/V Virginia G* case, Panama claimed compensation for what it claimed to be the illegal arrest by the Guinea-Bissau authorities of the vessel *M/V Virginia G*, flying the flag of Panama. The arrest took place in the exclusive economic zone of Guinea-Bissau on the alleged ground that the vessel, without proper authorization and therefore in contravention of Guinea-Bissau's laws, was conducting refuelling operations for foreign fishing vessels. In the parlance of commercial shipping, this is commonly referred to as "bunkering". The vessel, together with the gas-oil it carried, was later confiscated by the authorities of Guinea-Bissau.

The Tribunal was faced with a number of questions in this complex case. Given the time constraints, I will confine myself to two issues: first, the question of the

existence of a genuine link; and secondly, the question of the legal characterization of bunkering of foreign vessels in the exclusive economic zone of a third State.

As regards the existence of a genuine link between a flag State and a ship flying its flag, it may be observed that such a link is required under Article 91, paragraph 1, of the Convention. In its judgment, the Tribunal stated that the genuine-link requirement should not be read as establishing prerequisites or conditions to be satisfied for the exercise of the right of the flag State to grant its nationality to ships. The Tribunal added that, under article 94 of the Convention, the flag State is required to exercise effective jurisdiction and control over that ship in order to ensure that it operates in accordance with generally accepted international regulations, procedures and practices. This is the meaning of the genuine-link concept.

In the *M/V Virginia G* case, the key legal issue was that of bunkering in the exclusive economic zone and its regulation. This question had not yet been decided upon in international adjudication. Moreover, the Convention contains no provision dealing explicitly with bunkering. In fact, the practice of bunkering emerged subsequent to the adoption of the Convention and was therefore not explicitly addressed therein. As a consequence, the Tribunal was required to interpret the Convention on this question.

The Tribunal analysed the Convention articles on the sovereign rights of coastal States in their exclusive economic zones and reviewed relevant State practice. It came to the view that the regulation by a coastal State of bunkering of foreign vessels fishing in its exclusive economic zone is among those measures which the coastal State may take in its exclusive economic zone to conserve and manage its living resources under article 56 of the Convention read together with paragraph 4 of article 62 of the Convention. It further noted that this view was also confirmed by State practice that had developed since the adoption of the Convention. The Tribunal thus concluded that the bunkering of foreign vessels engaged in fishing in the exclusive economic zone is an activity which may be regulated by the coastal State concerned. The coastal State, however, does not have such competence with regard to other bunkering activities, unless otherwise determined in accordance with the Convention.

While the Tribunal found, on this basis, that the bunkering operations conducted by the *M/V Virginia G* were in violation of rules of the coastal State, it also

held that the sanction imposed by Guinea-Bissau for this violation — the confiscation of the vessel and its cargo — was not reasonable in the light of the particular circumstances of the case. The Tribunal thus found the confiscation of the *M/V Virginia G* to be in violation of paragraph 1 of article 73 of the Convention, which requires that any enforcement measures taken must be necessary to ensure compliance with the laws and regulations adopted by the coastal State. Ultimately, this finding led to a holding that Panama was entitled to reparation for damage suffered by it as a result of the confiscation of the vessel and its cargo. The Tribunal did however not uphold all claims for damages submitted by Panama in this regard.

In making the above brief remarks on the *M/V Virginia G* case, I intended to show that it is the role of the Tribunal in exercising its contentious jurisdiction and adjudicating cases to contribute to the development of international law and, in particular, the international law of the sea. Other examples of important contributions made by the Tribunal can be found in previous cases. I will confine myself to enumerating a few of these. I will refer first to the Tribunal's definition of the term "vessel" or "ship" in the *M/V Saiga* (No. 2) Case, and in particular to the jurisprudence originating in it, according to which a ship has to be considered a "unit", including everything on it and every person involved or interested in its operations, regardless of their nationality. This jurisprudence has found widespread acceptance in the law-of-the-sea community.

I will also briefly mention some of the important findings the Tribunal made in its first delimitation case, the case between Bangladesh and Myanmar concerning delimitation of the maritime boundary in the Bay of Bengal. In this case, the Tribunal, for the first time in international adjudication, ruled on the delimitation between two parties of their continental shelf beyond 200 nautical miles. In this context, the Tribunal provided clarification of the notion of natural prolongation in article 76 of the Convention. The Tribunal found that a State's entitlement to a continental shelf beyond 200 nautical miles should be determined by reference to the outer edge of the continental margin and that natural prolongation should not constitute a separate and independent criterion a coastal State must satisfy.

The case between Bangladesh and Myanmar is also noteworthy in that it is the first case in international adjudication in which a decision has been adopted on

the issue of a “grey zone”. Such a zone occurs when a delimitation line which is not an equidistance line reaches the outer limit of one State’s exclusive economic zone and continues beyond it in the same direction, until it reaches the outer limit of the other State’s exclusive economic zone. The immediate consequence is that, in a grey zone, one State has sovereign rights over the continental shelf and the other State has sovereign rights over the exclusive economic zone. The Tribunal held that each coastal State must exercise its rights and perform its duties with due regard to the rights and duties of the other and that there are many ways in which the parties may ensure the discharge of their obligations in this respect, including the conclusion of specific agreements or the establishment of appropriate cooperative arrangements.

The Tribunal’s contributions to the development of international law and the law of the sea are not limited to its judgments on the merits in contentious cases. As the Assembly is well aware, the Tribunal’s jurisdiction encompasses a number of other procedures, such as requests for the prescription of provisional measures, for the prompt release of vessels and crews, and for advisory opinions. In cases submitted under these procedures the Tribunal has had occasion to make important pronouncements on a number of legal issues.

The Tribunal, when seized of a case on the merits, may prescribe provisional measures pending a final decision in the case. The Tribunal may also be requested to prescribe provisional measures when a case on the merits is submitted to arbitration under annex VII to the Convention. In these circumstances, the Tribunal may prescribe provisional measures pending the constitution of the arbitral tribunal if it considers that *prima facie* the arbitral tribunal would have jurisdiction and that the urgency of the situation so requires.

The procedure for the prescription of provisional measures under the Convention has already been invoked in several cases before the Tribunal, the majority of which dealt with protecting the marine environment. In those cases, the Tribunal emphasized that States are under a duty to cooperate, and it declared this duty to be a fundamental principle in the prevention of pollution of the marine environment under the Convention and in general international law. Equally, the Tribunal consistently highlighted the obligation of States to act with prudence and caution in situations in which the protection of the marine environment is at

stake, which, in fact, is equivalent to acting by applying a precautionary approach.

Another procedure available before the Tribunal is that in what are referred to as prompt-release proceedings. Pursuant to several provisions of the Convention, a State which has detained a ship flying the flag of another State for certain categories of offences — in respect of fishery or pollution offences — is obliged to release the vessel and/or its crew upon the posting of a reasonable bond or other financial security. Whenever it is alleged that the detaining State has not complied with these provisions, the flag State of the vessel or a person acting on its behalf is entitled, under article 292 of the Convention, to submit an application to the Tribunal for the release of the vessel and its crew.

The Tribunal’s jurisdiction is certainly not limited to contentious cases. As the Assembly is aware, the Tribunal can also exercise advisory functions, pursuant to article 21 of its Statute. Under this provision, the Tribunal’s jurisdiction comprises all matters specifically provided for in any other agreement which confers jurisdiction on the Tribunal. For a request for an advisory opinion to be validly submitted to the Tribunal, the procedural requisites stipulated in article 138 of its rules need to be fulfilled. The Tribunal’s Seabed Disputes Chamber, which is an integral part of the Tribunal, can give advisory opinions. It can do so at the request of the Assembly or the Council of the International Seabed Authority on legal questions arising within the scope of their activities and on the conformity with the Convention of a proposal before the Assembly on any matter.

The Seabed Disputes Chamber delivered its first advisory opinion in 2011 in response to a request from the Council of the Authority. The opinion deals with the responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area. The advisory opinion provided the opportunity for the Chamber to explain in more detail the meaning of a number of key legal terms. The Chamber clarified the notion of “obligation to ensure”, defining it as “an obligation to deploy adequate means, to exercise best possible efforts, to do the utmost” and as an obligation “of conduct” and not “of result”. Similarly, the Chamber clarified the content of an “obligation of due diligence”. In this respect, it observed that “due diligence” is a variable concept, which may change over time, as measures considered sufficiently diligent at a certain moment may become not diligent enough in the

light, for instance, of new scientific or technological knowledge. It may also change in relation to the risks involved in the activity.

The Chamber also addressed a long-debated international legal issue, the status of the precautionary approach. The Chamber observed that the precautionary approach had been incorporated into a growing number of international treaties and other instruments, many of which reflected the formulation of Principle 15 of the Rio Declaration. This observation led the Chamber to the view that this had initiated a trend towards making this approach part of customary international law.

Another request for an advisory opinion is now pending before the Tribunal. It concerns questions relating to illegal, unreported and unregulated fishing activities and was submitted in March 2013 by the Subregional Fisheries Commission, an intergovernmental organization comprised of seven West African States. The issue of illegal, unreported and unregulated fishing is of great concern to the international community. Therefore, it is no surprise that the proceedings in this case have attracted considerable interest. A large number of States and intergovernmental organizations submitted statements to the Tribunal during the course of the written and oral proceedings. It is expected that the Tribunal will deliver its advisory opinion in the spring of 2015.

I have highlighted some of the contributions the Tribunal has made since its inception to the development and advancement of international law and the peaceful settlement of disputes through the exercise of its contentious and advisory functions. I wish to emphasize that the Tribunal is also firmly committed to advancing the idea of peaceful dispute settlement through other means, in particular by disseminating information and conducting capacity-building programmes. The Tribunal therefore continues its series of regional workshops intended to provide national experts with practical information on the dispute-settlement procedures available before the Tribunal. The tenth workshop in this series, in which representatives from seven African countries participated, was held by the Tribunal in Nairobi in cooperation with the Government of Kenya and the Korea Maritime Institute in August 2014. I would like to take this opportunity to extend my sincere thanks to the Government of Kenya and the Korea Maritime Institute for their support in organizing this event.

The Tribunal also runs capacity-building programmes on its premises in Hamburg. Each year, the internship programme provides interns with the opportunity to work at the Tribunal for three months and to gain deeper insight into the role and functioning of the Tribunal. Interns from developing States receive financial assistance from special trust funds established with generous support from the China Institute of International Studies and the Korea Maritime Institute. I wish to express my sincere gratitude to both institutes for this.

A second programme offered by the Tribunal is the capacity-building and nine-month training programme on dispute settlement under the Convention, which has been organized in cooperation with the Nippon Foundation since 2007. Again, I wish to extend my gratitude to the Nippon Foundation for its continued generosity. The seven participants in the 2014-2015 session hail from Albania, Cambodia, the Republic of the Congo, Madagascar, Mexico, Ukraine and Viet Nam.

Finally, this year the Tribunal also hosted the eighth Summer Academy of the International Foundation for the Law of the Sea. A record 41 participants from 33 countries took part.

Before concluding, I would like to take this opportunity to thank the Secretary-General, the Legal Counsel and the Division for Ocean Affairs and the Law of the Sea for their continued support for and cooperation with the Tribunal.

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

**Mr. Odunton** (International Seabed Authority): As this is the first time that the International Seabed Authority has taken the floor before the General Assembly at its sixty-ninth session, I express my warmest congratulations to the President of the General Assembly on his election. I assure him of the Authority's support and cooperation.

I wish to refer to the two draft resolutions before the General Assembly and express my appreciation to Member States for their positive references to the work of the International Seabed Authority. I also wish to convey our appreciation for the very comprehensive

report of the Secretary-General (A/69/71), which, as always, provides detailed background material for our consideration, and to the Director and staff of the Division for Ocean Affairs and the Law of the Sea for their exceptional work.

As acknowledged in paragraph 59 of draft resolution A/69/L.29, this year, 2014, has marked the twentieth anniversary of the entry into force of the United Nations Convention on the Law of the Sea and the establishment of the Authority. A special commemorative one-day session was held in Kingston, Jamaica, during the twentieth session of the Authority to mark this significant milestone. The occasion offered an opportunity to reflect on the innovative regime set up by the Convention and the 1994 Agreement, the forward-looking work of the Authority and the quest for sustainable development.

The concept of the common heritage of humankind represented by the legal regime for the seabed beyond the limits of national jurisdiction remains one of the major innovations in modern international law. It replaced uncertainties concerning the future of the seabed with a regime of shared benefits and responsibilities for all States, including landlocked and geographically disadvantaged States. The far-reaching implications as well as the benefits of this regime will for the next 20 years be understood and appreciated even more, now that we are standing at a juncture where ocean-based economic development is at the top of the agenda for many Governments.

In paragraph 48 of draft resolution A/69/L.29, the Assembly would note the increase in the number of contracts for exploration for seabed minerals that have been entered into between the Authority and its contractors and would take due note of the priority that has been given by the Council of the Authority to the drafting of the mining code. As of today, the Authority has signed a total of 18 contracts for exploration for mineral resources in the Area. Twelve of these contracts are for exploration for polymetallic nodules, four for exploration for polymetallic sulphides and two for exploration for cobalt-rich ferromanganese crusts. During 2014, the Authority signed contracts with the Japan Oil, Gas and Metals National Corporation, the China Ocean and Mineral Resources Research and Development Association, the Government of the Republic of Korea and the Institut Français de Recherche pour l'Exploitation de la Mer, of France. The signing of these contracts has reinforced the strong commitment

of these countries to the concept of the common heritage of humankind, and has further strengthened their longstanding cooperative relationship with the Authority. I wish to express my thanks and appreciation to them.

At the same time, a number of the original contracts signed by the Authority in 2001 for exploration for polymetallic nodules in the Area are due to expire in 2016. In its decision at the twentieth session of the Authority, the Council requested the Legal and Technical Commission, as a matter of urgency and as its first priority, to formulate draft procedures and criteria for applications for extensions of contracts for exploration. In this regard, it was pointed out that, among other things, the Commission should have sufficient information supplied by contractors as set out in the standard clauses for exploration contracts; there was no automatic extension of a contract; and efforts by the contractors over the past decade should be recognized. It was further pointed out that the extension of contracts did not imply that contractors must have completed their preparatory work to proceed to the exploitation phase. The Council added that the draft procedures and criteria for applications for extensions of contracts for exploration for polymetallic nodules should be made available in advance of the 2015 session. This matter will be taken up by the Commission at its first meeting in 2015.

Also at the twentieth session, the Council requested the Commission, as a matter of priority, to continue the work that it started in 2014 on the regulations governing exploitation and to make available to all members of the Authority and all stakeholders a draft framework exploitation code as soon as possible after its February 2015 meeting. I am pleased to report that work on the exploitation code is progressing and the expectations of the Council will be met.

The draft resolution before the Assembly today again reiterates the importance of the ongoing work by the Authority to develop a standardized taxonomy and nomenclature for the fauna associated with polymetallic nodules, pursuant to article 145 of the Convention, to ensure the effective protection of the marine environment and for the prevention of damage to the flora and fauna of the marine environment from harmful effects that may arise from activities in the Area.

As part of our continuing efforts towards this end, I am pleased to convey that the second workshop

dealing with the standardization of the taxonomy of macrofauna associated with polymetallic nodules has just been completed. The workshop was attended by representatives of all contractors for polymetallic nodules as well as expert taxonomists from the International Network for Scientific Investigations of Deep-Sea Ecosystems. Contractor representatives were requested to bring samples and/or images of the fauna they had collected in their exploration areas. During the workshop, much was accomplished with regard to taxonomic identification; indeed, 10 of the samples brought to the workshop were new to science: it was the very first time that any of the taxonomists had come across them. Additionally, further efforts required by contractors to complete their work in this taxonomic identification were noted. I wish to convey a special note of thanks and gratitude to the Government of the Republic of Korea, in particular to the Korean Institute of Ocean Science and Technology, for hosting this workshop at the East Sea Research Institute, Uljin-gun, South Korea.

In October this year, a workshop on resource classification was jointly organized by the Authority and the Ministry of Earth Sciences of the Government of India, in Goa, India. The workshop addressed the work currently being undertaken by contractors for polymetallic nodule exploration in fulfilment of the resource data that are to be provided to the Authority under section 11 of the standard clauses of exploration contracts, and current practice in land-based mineral development, in particular, national reporting standards for exploration results and resource classification. Representatives of exploration contractors for polymetallic nodules made presentations on the work that they had accomplished to date.

In this regard, experts on land-based mineral resource classification from the Committee for Mineral Reserves International Reporting Standards, which was granted observer status by the International Seabed Authority, and the United Nations International Framework Classification for Mineral Reserves and Resources also participated in the workshop. Participants in the workshop recognized the need for an international seabed mineral resource framework in view of the increasing commercial interest in the resources of the Area. Based on the classification system for land-based mineral resources, it was concluded that, at present, no reserves of the metals of interest in polymetallic nodules had been identified, in particular in the light of the fact that no tests of the collector

device for mining the nodules had been conducted at the depths of the deposits. It was recommended that the Authority support collaboration among contractors to test their collector devices, conduct pilot mining tests and conduct environmental impact assessments. It was noted that this would help to reduce costs and risks to each contractor and help move polymetallic nodule resources from inferred resources to reserves of the metals of interest. The Authority will take the necessary steps to encourage such collaboration.

I also wish to express our sincere thanks to the Government of India for its cooperation and support in the advancement of the work of the Authority on this important issue.

Paragraphs 50 and 51 of the draft resolution emphasize the importance of the role entrusted to the Authority by articles 143 and 145 of the Convention and recall the invitation issued by the General Assembly to the Authority in 2013 for the Authority to consider developing environmental management plans for regions and areas where there are currently exploration contracts. In this regard, member States have shown a clear commitment to building on the work done by the Authority in connection with the environmental management plan for the Clarion-Clipperton Zone. I am pleased to inform the Assembly in this regard that discussions are already under way with regard to commencing work on a strategic environmental assessment for the Mid-Atlantic Ridge, taking into account data availability and standardization, and in cooperation with other sponsoring Governments and organizations.

At the twentieth session of the Authority, the Assembly adopted a budget of \$15,743,143 for the Authority's operations for the 2015-2016 financial period. Support was voiced for the idea of establishing an International Seabed Authority museum, and I was requested to prepare a report for consideration by the Council outlining the objectives of establishing such a museum and how they would be achieved. As at 31 May 2014, eight contractors had agreed to amend their existing contracts to include the new standard clauses on overhead charges. I continue to consult with the remainder to amend their existing contracts to incorporate the new standard clauses.

At the twentieth session, the Assembly elected 17 new members of the Council for a four-year period commencing 1 January 2015. The new members are: for Group A, Italy and the Russian Federation; for Group B,

France, Germany and the Republic of Korea; for Group C, Australia and Chile; for Group D, Fiji, Jamaica and Lesotho; and for Group E, Cameroon, Ghana, Indonesia, Mexico, Nigeria, Singapore and Tonga.

I wish to lend my voice in support of paragraph 52 of the draft resolution by expressing the Authority's appreciation to those who have made contributions to the Authority's Endowment Fund and its Voluntary Trust Fund. As of 1 December 2014, a total of 66 scientists and Government officials from more than 30 countries had benefited from financial support from the International Seabed Authority Endowment Fund. The recipients have been from Argentina, Bangladesh, Bolivia, Brazil, Cameroon, China, Colombia, Cook Islands, Costa Rica, Egypt, Fiji, Guyana, India, Indonesia, Jamaica, Madagascar, Malaysia, Maldives, Malta, Mauritania, Mauritius, Namibia, Micronesia, Nigeria, Palau, Papua New Guinea, Peru, the Philippines, the Russian Federation, Sierra Leone, South Africa, Sri Lanka, Suriname, Thailand, Tonga, Trinidad and Tobago, Tunisia and Viet Nam.

I shall conclude by reiterating a sentiment that I have echoed here previously. The decisions that will be made in the next few years are likely to be critical to the realization of the common heritage of humankind. As a consequence, it is more important than ever that all members of the Authority attend meetings and participate fully in all aspects of the work of the Authority. I therefore look forward to the broadest possible participation by all members in the twenty-first session of the Authority, in July 2015.

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

The Assembly will take action on draft resolution A/69/L.29 at a later date to be announced.

The Assembly will now proceed to consider draft resolution A/69/L.30.

I give the floor to the representative of the Secretariat.

**Ms. Elliot** (Department for General Assembly and Conference Management): In connection with draft resolution A/69/L.30, entitled "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", I wish to put on record the following statement on the financial implications on behalf of the Secretary-General, in accordance with rule 153 of the rules of procedure of the General Assembly.

In operative paragraphs 40, 41, 45, 163 and 164 of draft resolution A/69/L.30, the General Assembly would take note of the report on the tenth round of informal consultations of States parties to the Agreement, recall that the resumed Review Conference agreed to keep the Agreement under review until the resumption of the Review Conference at a date no earlier than 2015, and request the Secretary-General to resume the Review Conference, convened pursuant to article 36 of the Agreement, in New York for one week in the first part of 2016, with a view to assessing the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks, and to render the necessary assistance and provide such services as may be required for the resumption of the Review Conference.

It would request the Secretary-General to submit to the resumed Review Conference an updated report, prepared in cooperation with the Food and Agriculture Organization of the United Nations, and with the assistance of an environment expert consultant to be hired by the Division to provide information and analysis on relevant technical and scientific issues to be covered in the report, to assist the Conference in discharging its mandate under article 36, paragraph 2, of the Agreement, and also in this regard request the Secretary-General to develop and circulate to States and to regional fisheries management organizations and arrangements a voluntary questionnaire regarding the recommendations made by the Review Conference in 2006 and 2010, in a timely manner, taking into account the specific guidance proposed at the tenth round of informal consultations.

It would also request the Secretary-General in that regard to develop and circulate to States and to regional fisheries management organizations and arrangements a voluntary questionnaire regarding the recommendations of the Review Conference in 2006 and 2010 in a timely manner, taking into account the specific guidance proposed by the tenth round of informal consultations; and to prepare a draft provisional agenda and draft organization of work for

the resumed Review Conference and to circulate them at the same time as the provisional agenda of the eleventh round of informal consultations of States parties to the Agreement, 60 days in advance of those consultations.

It would request the Secretary-General to convene with full conference services, without prejudice to future arrangements, a two-day workshop in the second half of 2016 in order to discuss the implementation of paragraphs 113, 117 and 119 to 124 of resolution 64/72 and paragraphs 121, 126, 129, 130 and 132 to 134 of resolution 66/68; and invite States, the Food and Agriculture Organization of the United Nations and other relevant specialized agencies, funds and programmes, subregional and regional fisheries management organizations and arrangements, other fishery bodies, other relevant intergovernmental bodies and non-governmental organizations and relevant stakeholders, in accordance with United Nations practice, to attend the workshop.

It would also request the Secretary-General to prepare a report similar in scope, length and detail as his report to the sixty-sixth session, in cooperation with the Food and Agricultural Organization of the United Nations, and with the assistance of an expert consultant to be hired by the Division to provide information analysis on relevant technical and scientific issues to be covered in the report for consideration by the General Assembly at its seventy-first session with regard to actions taken by States and regional fisheries management organizations and arrangements in response to paragraphs 113, 117 and 119 to 124 of resolution 64/72 and paragraphs 121, 126, 129, 130 and 132 to 134 of resolution 66/68; and invite States and regional fisheries management organizations and arrangements to consider making such information publicly available.

Pursuant to operative paragraph 40 of the draft resolution, the resumed Review Conference would be held for five days in the first half of 2016. It is anticipated that the Conference will require 10 meetings, one in the morning and one in the afternoon of each day, with interpretation in all six languages. The 10 meetings would constitute an addition to the workload of the Department for General Assembly and Conference Management for 2016 that would entail additional requirements in the amount of \$111,400.

In accordance with operative paragraph 163 of the draft resolution, meeting services would be required for the two-day workshop in the second half of 2016.

It is envisaged that the workshop would comprise four meetings, one in the morning and one in the afternoon of each day, with interpretation in all six languages. The four meetings would constitute an addition to the workload of the Department for General Assembly and Conference Management for 2016 and entail additional requirements in the amount of \$44,800.

The requests for documentation contained in paragraphs 41 and 45 of the draft resolution would constitute an addition to the documentation workload of the Department for General Assembly and Conference Management of seven pre-session documents of 44,000 words, three in-session documents of 2,100 words, and one post-session document of 21,000 words to be issued in all six languages in 2016. That would entail additional requirements in the amount of \$398,100 for documentation services in 2016. The request for documentation contained in operative paragraphs 41 and 164 of the draft resolution would entail the hiring of additional consultancy services for the Office of Legal Affairs in 2016. That would entail additional requirements in the amount of \$33,800 for consultancy services in 2016 under the Office of Legal Affairs.

Accordingly, should the General Assembly adopt draft resolution A/69/L.30, additional requirements of \$554,300 under section 2, "General Assembly and Economic and Social Council Affairs and Conference Management", and additional requirements of \$3,800 under section 8, "Legal Affairs", would be included in the proposed budget for the biennium 2016-2017.

**The Acting President** (*spoke in French*): The Assembly will now take action on draft resolution A/69/L.30, entitled "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".

I give the floor to the representative of the Secretariat.

**Ms. Elliot** (Department for General Assembly and Conference Management): I should like to announce that since the submission of the draft resolution, and in addition to those delegations listed in the draft document, the following countries have become sponsors of A/69/L.30: Australia, Belize, Costa Rica, Cyprus, Denmark, Indonesia, Italy, Jamaica, Monaco,

Nauru, the Philippines, Portugal, Samoa, Spain, Tonga, Ukraine and the United States of America.

**The Acting President** (*spoke in French*): May I take it that the Assembly decides to adopt draft resolution A/69/L.30?

*Draft resolution A/69/L.30 was adopted (resolution 69/109).*

**The Acting President** (*spoke in French*): Before giving the floor to delegations that wish to explain their position on the resolution just adopted, I remind Assembly members that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

**Ms. Millicay** (Argentina) (*spoke in Spanish*): We wish to speak in explanation of position on resolution 69/109, on sustainable fisheries, which was just adopted.

Argentina joined the consensus on the resolution. However, we wish to inform the Assembly once again that none of the recommendations in the resolution can be interpreted to mean that the provisions of 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 can be considered mandatory for States that have not expressed their consent or commitment through the Agreement.

The resolution that we have just adopted contains paragraphs concerning the implementation of the recommendations of the Review Conference on the Agreement. Argentina reiterates that those recommendations must be considered not as enforceable, but merely recommendatory to States that are not parties to the Agreement. That is particularly important for those States that have disassociated themselves from the recommendations, such as Argentina. Therefore, as in previous sessions, Argentina disassociates itself from the consensus of the Assembly with respect to the paragraphs of the resolution that refer to the recommendations of the 1995 Review Conference in New York.

In addition, Argentina notes that current international law does not authorize regional fisheries management organizations and arrangements or Member States to take any measure with respect to vessels whose flag State is not a member of such an organization or arrangement, or that have not explicitly

consented to the application of such measures to vessels flying their flags. Nothing in the General Assembly's resolutions, including that which we just approved, can be interpreted contrary to that conclusion.

Moreover, I would like to recall once again that in applying conservation measures, conducting scientific research or undertaking any other activity recommended in resolutions of the General Assembly, in particular resolution 61/105 and related instruments, the legal framework provided by the international law of the sea in force — as reflected in the Convention, including in its article 77 and Part XIII — must be strictly respected. The implementation of these resolutions cannot therefore be used as a pretext for neglecting or violating the rights established in the Convention, and nothing in resolution 61/105 or in other resolutions of the General Assembly affects the sovereign rights of coastal States over their continental shelves or the exercise of jurisdiction by coastal States with respect to their continental shelves, in conformity with international law. Paragraph 157 of the resolution we have just adopted contains a pertinent reminder of this concept, which is already reflected in resolution 64/72 and subsequent resolutions.

In the same vein, and as at previous sessions, paragraph 156 recognizes the adoption by coastal States, including Argentina, of measures addressing the impacts of bottom fishing on vulnerable marine ecosystems throughout their continental shelves, as well as efforts to ensure their implementation.

Finally, I should like to alert the Assembly once again that the growing differences of opinion regarding the content of the draft resolution on sustainable fisheries seriously jeopardize the likelihood of such texts being adopted by consensus at future sessions.

**Mrs. Özkan** (Turkey): Regarding resolution 69/109, on sustainable fisheries, which was adopted under agenda item 74 (b), I would like to state that Turkey is fully committed to the conservation, management and sustainable use of marine living resources and attaches great importance to regional cooperation to that end. In this context, Turkey supported the adoption of resolution 69/109. However, Turkey disassociates itself from references made in that resolution to international instruments to which it is not a party. Those references should therefore not be interpreted as a change in the legal position of Turkey with regard to those instruments.

**Ms. Engelbrecht Schadtler** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): We express our thanks to the representative of New Zealand, Ms. Alice Revell, for having facilitated the negotiating process on the text of resolution 69/109, entitled “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”.

Our country underscores its commitment to sustainable fisheries in applying the principles of the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations and Chapter 17 of Agenda 21, adopted at the United Nations Conference on Environment and Development in 1992. Venezuela is a contracting party to various international instruments for the preservation and management of fisheries.

In the interests of consensus, our delegation did not block the adoption of the resolution. However, Venezuela expresses explicit reservations with regard

to the content of the resolution because it is not a party to the United Nations Convention on the Law of the Sea or to 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. As such, the norms of international instruments under customary international law are not applicable, except where the Republic has explicitly recognized or will explicitly recognize them by incorporating them into its national legislation.

**The Acting President** (*spoke in French*): May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (b) of agenda item 74?

*It was so decided.*

**The Acting President** (*spoke in French*): The Assembly has thus concluded this stage of its consideration of sub-item (a) of agenda item 74 and of agenda item 74 as a whole.

*The meeting rose at 4.55 p.m.*