



General Assembly

Seventy-sixth session

47th plenary meeting
Tuesday, 7 December 2021, 3 p.m.
New York

Official Records

President: Mr. Shahid (Maldives)

In the absence of the President, Mr. Manalo (Philippines), Vice-President, took the Chair.

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

Agenda item 78 (continued)

Oceans and the law of the sea

(a) Oceans and the law of the sea

Report of the Secretary-General (A/76/311 and A/76/311/Add.1)

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its twenty-first meeting (A/76/171)

Report on work of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (A/76/391)

Draft resolution (A/76/L.20)

(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/76/L.18)

Mr. Sautter (Germany): Let me first join other delegations in thanking the coordinators of the informal

consultations on both draft resolutions before the Assembly today (A/76/L.20 and A/76/L.18), Ms. Natalie Morris-Sharma of Singapore and Mr. Andreas Kravik of Norway, for their outstanding coordination despite the challenging conditions this year. We also thank the Division for Ocean Affairs and the Law of the Sea for its expertise, hard work and constant support to delegations throughout the consultations.

Germany fully aligns itself with the statement delivered on behalf of the European Union and its member States (see A/76/PV.46).

Germany welcomes the fact that this year's omnibus draft resolution on oceans and the law of the sea reaffirms the universal and unified character of the United Nations Convention on the Law of the Sea (UNCLOS) as the legal framework within which all activities in the oceans and seas must be carried out. Germany also underscores the need to maintain the integrity of the Convention.

Given the universality and comprehensiveness of UNCLOS, it is important to reiterate that all maritime claims in the world's oceans and seas must be based on the relevant UNCLOS provisions. There is no legal basis for making legal assertions as if there were a parallel body of international law to override matters comprehensively covered within UNCLOS.

While our concern is global, we are particularly concerned by the assertion of unlawful and sweeping maritime claims in the South China Sea, as well as ongoing intimidation and coercion against the lawful rights of other States in the region to access their

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natural resources in their exclusive economic zones. We call on all States to make their maritime claims and conduct their maritime activities in accordance with the relevant provisions of UNCLOS and to resolve their maritime disputes peacefully and free from coercion, in accordance with the relevant principles and rules of the Convention and its dispute settlement mechanisms, including those entailing binding decisions by international courts and tribunals, which must be respected.

We call on all States to respect the freedoms of navigation and overflight in the high seas and the exclusive economic zones, as well as all other lawful users of the oceans and seas, including the right of innocent passage through territorial seas. Those rights and freedoms are paramount for international trade and transport links, as well as for maritime scientific research, naval missions and economic prosperity.

We are concerned by recent attempts to restrict the lawful exercise of those rights and freedoms in the South China Sea, the Black Sea and elsewhere, including by blurring the clear distinctions made in UNCLOS between the various maritime zones, for example, through the use of unclear legal terminology in domestic legislation regarding the geographical scope of coastguard competencies and maritime traffic security laws.

We reaffirm our support for Ukraine's sovereignty and territorial integrity within its internationally recognized borders, extending to its territorial waters, including those around Crimea.

It remains our long-standing position that the right of innocent passage through territorial seas pertains to all categories of ships, including warships and Government ships, regardless of their cargo, and that none of the provisions of the Convention, which in so far reflects pre-existing international law can be regarded as entitling coastal States to make the innocent passage of any specific category of foreign ships dependent on prior consent or notification.

Unilaterally established ship reporting requirements on vessels exercising their right of innocent passage and which do not enter or depart the port or internal waters of the coastal State are inconsistent with international law, as reflected in UNCLOS.

Germany has consistently defended the delicate balance struck by UNCLOS between the legitimate

interests of coastal States and the freedoms and rights enjoyed by all other States, including landlocked States, in the various maritime zones, including in our declaration on accession, and we will continue to do so.

Let me conclude by reaffirming our continued commitment to the obligations contained in UNCLOS on bilateral, regional and international cooperation, including for the conservation and management of marine living resources and for the protection and preservation of the marine environment.

Together with our partners in the European Union, we look forward to the resumption of the intergovernmental negotiations on a legally binding international agreement under UNCLOS on the conservation and sustainable use of maritime biological diversity in areas beyond national jurisdiction (BBNJ). We are fully committed to concluding an ambitious BBNJ implementing agreement as soon as possible, ideally as early as next year.

Mr. Fodda (France) (*spoke in French*): France fully aligns itself with the statement delivered on behalf of the European Union and its member States (see A/76/PV.46) and would like to make the following comments in our national capacity. We, in turn, thank Singapore and Norway for having facilitated the negotiations on the two draft resolutions on our agenda (A/76/L.18 and A/76/L.20) in this year's still deteriorating circumstances.

The unique scope and universal aim of the United Nations Convention on the Law of the Sea are once again recalled. The Convention, whose fortieth anniversary we will celebrate in 2022, establishes a fundamental balance among the freedoms, rights and obligations of States and users of all the seas and oceans. Its purpose is to cover all aspects of the various marine spaces — their limits and related rights, the rights of navigation and passage and the protection and preservation of the marine environment — as well as the settlement of disputes.

As the sustainable governance of the oceans and cooperation among States are essential for world peace and stability, it is crucial to defend them and to ensure that all activities carried out at sea conform with that global legal framework. France is fully committed to that.

The Convention has also clarified the rights and obligations of coastal States and the legal

regime governing waters adjacent to their territory. Its provisions on freedom of navigation and rights of transit, archipelagic and innocent passage are fundamental. We are firmly committed to that regime, which is why we recently made a point of recalling that the provisions of parts II and IV of the Convention must be fully respected.

The Convention further provides that maritime delimitations must be carried out in accordance with international law “in a spirit of understanding and cooperation”, and to that end the International Court of Justice has developed a reference method that is followed by the International Tribunal for the Law of the Sea and arbitration tribunals.

The legal framework established by the United Nations Convention on the Law of the Sea can be strengthened. France actively supports the ongoing negotiation of a legally binding instrument on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction (BBNJ). Together with our partners in the European Union, we are fully committed to the BBNJ process.

We will continue our efforts to bring the negotiation to a successful conclusion in 2022. The aim is to conclude a strong, effective and universal treaty that brings real added value to the current governance of the high seas and provides the tools necessary for the effective protection and sustainable use of its resources.

Another major challenge is that of climate change and its impact on sea-level rise. Through its presence especially in the Pacific and the Caribbean, France is particularly affected and concerned. We therefore share all the more the legitimate concerns forcefully expressed by the overseas territories and small island States, for which the issue is critical. France wishes to commend the significant contribution of the International Law Commission regarding the legal consequences of rising sea levels. We need to identify and implement pragmatic solutions within the existing legal framework without delay.

France takes this opportunity to pay tribute to the outstanding work carried out in their respective functions by the three bodies established under the United Nations Convention on the Law of the Sea.

First, the Commission on the Limits of the Continental Shelf is tirelessly pursuing its essential work and must be provided with viable resources.

Secondly, we welcome the work of the International Seabed Authority, which is currently working on the elaboration of the mining code and the ongoing development of environmental protection measures.

Thirdly, we welcome the work of the International Tribunal on the Law of the Sea.

In conclusion, let me recall that France will host an international summit on the oceans, the One Ocean Summit, next February, ahead of the United Nations Ocean Conference in Lisbon. That event reflects France’s wish to contribute to the international agenda on the seas and oceans, led by the United Nations.

Mr. Pham (Viet Nam): At the outset, I would like to thank Ms. Natalie Morris-Sharma of Singapore and Mr. Andreas Kravik of Norway for once again acting as coordinators for the negotiations on draft resolution A/76/L.20, on oceans and the law of the sea, and draft resolution A/76/L.18, on sustainable fisheries, respectively.

The oceans and seas provide an immense resource to the human population. They also serve as the lifeline for international trade and the gateway connecting people, countries and continents. Their health and resilience play a major role in the health and well-being of humankind. The sustainable use and conservation of the oceans and seas are crucial to our efforts to sustainably recover and build back better from the coronavirus disease pandemic and achieve the 2030 Agenda for Sustainable Development, in particular Goal 14.

Recognizing the importance of the oceans and seas, States have reaffirmed the role of the United Nations Convention on the Law of the Sea (UNCLOS) as the most comprehensive legal framework within which all activities in the oceans and seas must be carried out. We reiterate the universal and unified character of the Convention and its strategic importance as the basis for national, regional and global action in tackling common challenges and developing sustainably.

Full compliance with UNCLOS, including the obligation to settle disputes by peaceful means and fully respect the rights of coastal States in their maritime areas, as defined under UNCLOS, is critical. It is on that basis that Viet Nam and Germany initiated the Group of Friends of UNCLOS as an informal forum for enhancing understanding of UNCLOS and exchanging good practices and ideas to better contribute to ocean

governance. As of now, 112 States have become members, and we would like to invite all other Member States to join the Group of Friends.

In connection with the seas, we have increasingly been faced with a number of challenges, including the unsustainable use of marine resources, climate change, sea-level rise, pollution and degradation of the marine environment, which have threatened human and ocean life and livelihoods, as well as ocean sustainability. In particular, sea-level rise has become a current threat to humankind. We welcome the discussion at the twenty-first meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea on the topic. Further studies and discussions on the multidimensional implications of sea-level rise, including by the Sixth Committee, the International Law Commission and the Arria Formula meeting convened by Viet Nam in October, can contribute to promoting understanding and joint actions.

We take this opportunity to express our appreciation regarding the innovation and dedication of the United Nations, including UN-Oceans, in strengthening cooperation and coordination over the past year. Alongside other United Nations bodies, the Security Council can, and should, continue to contribute to enhancing maritime safety and security, as highlighted in the open debate held in August this year (see S/2021/722). We extend our appreciation to the bodies established under UNCLOS for their continued contributions to promoting the rule of law and maintaining order at sea.

Looking forward, we welcome opportunities to make further progress in the intergovernmental conference on the elaboration of an international legally binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, scheduled in 2022.

The maintenance of peace, stability, maritime security and safety and freedom of navigation in, and overflight of, the South China Sea is a common concern and interest of the region and the world. In the context of the complex developments in the region, all parties must fully uphold their legal obligations under the Convention, respect the rights, interests and legitimate economic activities of the relevant States, settle disputes through peaceful means in line with international law, including the Charter of the United Nations and

UNCLOS, respect diplomatic and legal processes, fully comply with UNCLOS in determining maritime claims and ensure freedom, safety and security of navigation and overflight without resorting to acts that could complicate the situation or create tension, including the expansion and militarization of occupied features.

The Association of Southeast Asian Nations (ASEAN) has strived to foster maritime cooperation and coordination among its member States, including through continued constructive dialogue on issues of common concern. Viet Nam is determined to work with ASEAN and China to seriously, fully and effectively implement the 2002 Declaration on the Conduct of Parties in the South China Sea and negotiate an effective and substantive code of conduct in the South China Sea, consistent with international law, particularly UNCLOS.

Mr. Carnahan (United States of America): The United States is pleased to co-sponsor draft resolution A/76/L.20, on oceans and the law of the sea.

The United States underscores the central importance of international law as reflected in the United Nations Convention on the Law of the Sea. All maritime claims must be in accordance with international law, as reflected in the provisions of the Convention. Faced with attempts to impede the lawful exercise of navigational rights and freedoms under international law, it is more important than ever that we remain steadfast in our resolve to uphold those rights and freedoms.

The assertion of unlawful and sweeping maritime claims, including through ongoing intimidation and coercion against long-standing oil and gas development and fishing practices by others, threatens the rules-based international order. States are entitled to develop and manage the natural resources subject to their sovereign rights and without interference.

Our position is simple: the rights and interests of all nations, regardless of their size, political power or military capability, must be respected. As Secretary of State Blinken stated at an August meeting of the Security Council,

“[i]n the South China Sea, we have seen dangerous encounters between vessels at sea and provocative actions to advance unlawful maritime claims” (S/2021/722, *annex IX*).

The United States has made clear its concerns regarding actions that intimidate other States from lawfully accessing their maritime resources. The United States, along with other countries, including South China Sea claimants, have protested such aggressive behaviour and unlawful maritime claims in the South China Sea. As Secretary of State Blinken noted, five years ago an arbitral tribunal constituted under the 1982 United Nations Convention on the Law of the Sea delivered a unanimous and legally binding decision to the parties before it firmly rejecting unlawful, expansive South China Sea maritime claims as being inconsistent with international law.

The United States has consistently called for all countries to conform their maritime claims to the international law of the sea as reflected in the 1982 Convention. That is in keeping with the peaceful resolution of disputes and the sovereign equality of Member States, which are core principles enshrined in the Charter of the United Nations. Efforts to resolve maritime disputes through the threat or use of force flout those principles.

It is the business and, even more, the responsibility of every Member State to defend the rules that we all agreed to follow and peacefully resolve maritime disputes. Conflict in the South China Sea or in any ocean would have serious global consequences for security and commerce. Furthermore, when a State faces no consequences for ignoring those rules, it fuels greater impunity and instability everywhere.

In that regard, we call on all States to resolve their territorial and maritime disputes peacefully and free from coercion, as well as fashion their maritime claims and conduct their activities in the maritime domain in accordance with international law, as reflected in the Convention, to respect the freedoms of navigation and overflight and other lawful uses of the sea that all users of the maritime domain enjoy and to settle disputes peacefully in accordance with international law. We call on all States to ensure the effective implementation of international law applicable to combating piracy, and to unite in the deterrence, prevention and prosecution of transnational criminal organizations and those engaging in transnational crime at sea.

The United States values the platform that the General Assembly provides to elevate important ocean issues. The annual oceans and the law of the sea draft resolution serves as an opportunity for the global

community to identify key ocean issues and develop constructive ways to address them.

Many of the issues that we tackle together through the oceans and the law of the sea draft resolution are interconnected, and perhaps no issue is more cross-cutting than climate change. As President Biden said, climate change is the existential threat of our time. Greenhouse gas emissions are having devastating effects on our ocean, with a cascade of devastating effects on our communities and livelihoods around the world. We must apply every lever available, including the wealth of ocean-based solutions at our disposal, to bend down the emissions curve and to improve our resilience. For example, we must dramatically reduce emissions from the international shipping sector. We must work to scale up offshore renewable energy, and we must protect and restore coastal ecosystems that store carbon and protect our coastlines from climate impacts.

The United States is proud of the outcomes that we achieved together with our partners at the twenty-sixth session of the Conference of the Parties (COP26) to the United Nations Framework Convention on Climate Change (UNFCCC) in Glasgow. COP26 was successful in creating a home for ocean issues under the UNFCCC, establishing a yearly dialogue for the parties to advance ocean-based climate solutions. In addition, the United States was pleased to co-launch the Declaration on Zero Emission Shipping by 2050 and to be a signatory to the Clydebank Declaration to promote the establishment of green shipping corridors.

The United States was also pleased to announce at COP26 that we will join the High Level Panel for a Sustainable Ocean Economy. The Ocean Panel understands better than anyone what ocean-based solutions can bring to the table when it comes to keeping the goal of limiting warming to 1.5°C within reach, and we look forward to working with our partners on the Ocean Panel and beyond to protect our ocean, our climate, our people and our planet. As a member of the Panel, the United States will be developing a sustainable ocean plan to sustainably manage our ocean area under national jurisdiction.

One of the potential climate impacts that we should collectively work to confront is sea-level rise, which can pose substantial threats to coastal communities and island nations around the world. We will work together with others to address the climate crisis, including the threat of sea-level rise. That includes exploring

ways to promote our common goal of appropriately protecting maritime zones from challenge, and doing so in a manner that we can all support as consistent with international law.

The United States continues to support efforts by States to delineate and publish their baselines and the limits of their maritime zones, in accordance with international law as reflected in the Convention. Such a practice provides useful context and clarifies the maritime claims of States, including in relation to future sea-level rise, and we welcome further discussions on steps that can be taken to protect States' interests, in accordance with international law, in the context of sea-level rise.

Another important global issue that the oceans and the law of the sea draft resolution addresses is ocean plastic pollution. More than 8 million tons of plastic pollution enter the ocean every year — an amount that is expected to increase unless immediate action is taken to reverse that global trend. Plastic pollution affects environmental and food security, maritime transportation, tourism, economic stability, resource management and, potentially, human health. Plastic production, use and disposal account for roughly 4 per cent of greenhouse gas emissions, which are projected to continue to grow in the future absent action. We must make progress on the issue and increase our efforts as soon as possible.

The United States is committed to global action to combat ocean plastic pollution, including through support for launching negotiations on a global legal instrument that is innovative and accounts for differing national circumstances. We must also ensure that a global legal instrument to combat plastic pollution helps countries most in need with the financial resources to implement the agreement. We are fortunate to have strong interest from a diverse set of stakeholders, because combating plastic pollution will require collaborative efforts from all of us.

The United States also recognizes the efforts under way to make 2022 a super year for the ocean. We look most immediately to the next Our Ocean conference, which the United States is extremely grateful to be co-hosting with President Whipps of Palau, in Koror on 16 and 17 February 2022. The Our Ocean conferences — six to date — have proven to be important catalysts for significant international action

to protect the ocean and its resources, resulting in over \$91 billion worth of new commitments.

The 2022 conference, entitled “Our Ocean, Our People, Our Prosperity”, will build on the momentum of previous conferences to mobilize ambitious new announcements to protect our ocean, people and planet. We call on the international community to ramp up its action with significant and compelling new commitments on the six thematic areas of the conference, which include climate change, sustainable fisheries, sustainable blue economies, marine protected areas, maritime security and marine pollution. We look forward to a successful conference in Palau in 2022 and to the 2023 conference in Panama.

The United States also looks forward to working with delegations on another critical ongoing process here at the United Nations — the negotiation of a new international legally binding instrument under the Law of the Sea Convention on the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction — the so-called BBNJ agreement.

The United States understands the critical importance of high seas marine biodiversity, and we believe that the new BBNJ agreement will provide an unprecedented opportunity to coordinate the conservation and sustainable use of high seas biodiversity across management regimes, including to establish high-seas marine protected areas. The BBNJ agreement will result in meaningful, science-based conservation and sustainable use of BBNJ while protecting high seas freedoms and promoting marine scientific research.

We thank and commend the BBNJ Intergovernmental Conference President, Ms. Rena Lee of Singapore, for her continued leadership in helping us keep momentum going during the intersessional period, and we appreciate the constructive cooperation of BBNJ delegations, especially in light of the pandemic challenges. The United States is committed to playing a leadership role in these vital negotiations and we look forward to the next negotiating session.

The United States is also pleased to co-sponsor draft resolution A/76/L.18, on sustainable fisheries. As with draft resolution A/76/L.20, on oceans and the law of the sea, limitations on our ability to meet and negotiate led to an agreement to only provide technical updates to the sustainable fisheries draft resolution.

We appreciate the constructive cooperation of delegations, under the patient leadership of the Coordinator, to develop a pragmatic approach to rescheduling meetings related to sustainable fisheries disrupted by the pandemic. The United States looks forward to the fifteenth round of informal consultations of States parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks in the first half of 2022; the bottom fishing review, also in 2022; and the sixteenth round of informal consultations of States parties to the United Nations Fish Stocks Agreement and the resumed Review Conference in 2023.

We encourage States and relevant organizations to consider providing updates that could inform the upcoming workshop on the implementation of measures to address the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks.

While we did not have an opportunity to discuss new substantive issues in the sustainable fisheries draft resolution, the draft resolution does acknowledge our collective accomplishments regarding the entry into force of the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean, as well as 2021 Declaration for Sustainable Fisheries and Aquaculture of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations. Together with these successes, we also recognize new challenges in fisheries management.

Fishing activities continue around the world, contributing to livelihoods and food security during this challenging time, even as the coronavirus disease (COVID-19) continues to create difficulties with respect to the monitoring of some fisheries. The international community has also focused with new urgency on specific examples of inadequately controlled fishing activities, including illegal, unreported and unregulated fishing, which affects everything from the health of our ecosystems and coastal communities to the working conditions of observers and crew and the economic development and prosperity of individual Member States. We will continue to call for flag States to take more responsibility for these activities and adopt more robust management measures, where needed, in regional fisheries management organizations.

With regard to both the oceans and the fisheries draft resolutions, we refer Member States to our general statement, delivered on 18 November, to the Second Committee at its seventy-sixth session, which addresses our concerns regarding the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda and technology transfer, and underscores the independence of the World Trade Organization.

We would like to thank the coordinators of the informal consultations on both draft resolutions — Ms. Natalie Morris-Sharma of Singapore and Mr. Andreas Kravik of Norway — for their outstanding coordination of the draft resolutions through modalities of virtual work resulting from the COVID-19 pandemic. We also would like to thank the Division for Ocean Affairs and the Law of the Sea for its expertise and hard work throughout the virtual consultations on both draft resolutions.

Finally, we express our appreciation for delegations' flexibility and cooperation in embracing the virtual formats taken for our consultations on both draft resolutions. It is our hope that this spirit of flexibility and cooperation will characterize our efforts to address the numerous and complex issues that lie ahead for the ocean and for fisheries.

Mr. Akram (Pakistan): We thank the Secretary-General for his report on oceans and the law of the sea (A/76/311). Pakistan would also like to thank the delegations of Singapore and Norway for coordinating draft resolution A/76/L.20, on the oceans and the law of the sea, and draft resolution A/76/L.18, on sustainable fisheries, respectively.

Oceans are a vital element, not only for those who inhabit coastal areas but for humankind as a whole. We depend on oceans for food, trade, transportation, energy and a global ecological balance. It is therefore crucial that we understand the impact of human activity on our oceans. Improving the governance of the oceans and strengthening the relevant legal frameworks is therefore essential to international peace and security, interconnectivity, the blue economy and free trade.

The international legal regime governing all activities in the oceans and seas consists of a several global, regional and bilateral legal instruments and customary international law. Since its adoption, the United Nations Convention on the Law of the Sea (UNCLOS) and its affiliated institutions governing the law of the sea have played an important role in ensuring

the harmonious and judicious use of ocean resources for all humankind. Pakistan also attaches great importance to the work of the three bodies established under UNCLOS: the International Tribunal for the Law of the Sea, the Commission on the Limits of the Continental Shelf (CLCS) and the International Seabed Authority.

The work of the CLCS has become more active each year because of the increasing number of submissions by States to determine the limits of their continental shelves beyond 200 nautical miles. In this regard, we would like to reiterate that, while examining submissions, the Commission needs to give due regard to the rules of procedure of the CLCS. Where a land or maritime dispute exists, the Commission shall not consider a submission made by any of the States concerned in the dispute until prior consent is given by all States that are parties to such a dispute, in accordance with rule 5 (a) of the annex I of the rules of procedure of the CLCS.

Pakistan reiterates the importance of making progress on the draft treaty under UNCLOS on the conservation and sustainable use of marine biological diversity beyond national jurisdiction (BBNJ). We reiterate that the principle of common heritage of humankind should guide and underpin the new legal regime. It provides a solid legal foundation for a fair and equitable regime that would allow all countries to benefit from the potential that marine biodiversity represents in terms of global food security and economic prosperity and to address the challenges of conservation and sustainable use of marine genetic resources of areas beyond national jurisdictions.

While there is still a diversity of views on a number of key issues related to BBNJ, we would urge all delegations to take a balanced and progressive approach during the next session. It is essential to focus on achieving a good-quality result that will enable us to reach a consensus solution.

The idea of a blue economy recognizes the seas and oceans as the main drivers of economic development, with great potential for innovation and growth. Pakistan's interest in it emanates from a coastline of over 1,000 kilometres, an exclusive economic zone of around 290,000 square kilometres, the Karachi port and the newly built deep-sea port at Gwadar. We are also an important stakeholder in the Indian Ocean security framework, which includes counter-piracy, as well as human trafficking and narcotics smuggling.

The Indian Ocean represents an increasingly important avenue for global trade. It hosts international maritime traffic that includes half of the world's containerized cargo, one-third of its bulk cargo and two-thirds of its oil shipments. Yet, emerging issues, ranging from piracy and territorial water disputes to global environmental pressures on coastal and marine resources, pose considerable challenges for policymakers. The Indian Ocean offers promising potential for mutual cooperation and collaboration, but geostrategic competition and the pursuit of military dominance by some States have gravely jeopardized that potential. The international community needs be cognizant of the fact that any military conflict in South Asia could endanger stability in a region that is critical to global trade and global peace and security.

We are also concerned at the politicization of issues related to the South China Sea. Pakistan maintains that the resolution of the disputes related to the South China Sea is among the countries concerned. Countries outside the region should respect the negotiations and the process through which the parties concerned wish to resolve their disputes.

In conclusion, the Government of Pakistan is fully committed to the sustainable development of its blue economy partnership for the 2030 Agenda, including Sustainable Development Goal 14, pertaining to the conservation of oceans. We are ready to cooperate and collaborate with other friendly nations and partners in the region and around the world to realize this goal for the mutual benefit of all humankind.

Ms. De Souza Schmitz (Brazil): Allow me to start by thanking Norway and Singapore for their facilitation of the consultations that led to this year's texts of omnibus draft resolution A/76/L.20, on oceans and the law of the sea, and of draft resolution A/76/L.18, on sustainable fisheries. Brazil is pleased to co-sponsor both draft resolutions once again. Let me also express our appreciation for the spirit of cooperation that continued to prevail among delegations in drafting those draft resolutions.

We also welcome the report of the Secretary-General on oceans and the law of the sea (A/76/311), as well as the most recent reports on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (A/76/171) and the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment

of the State of the Marine Environment, including Socioeconomic Aspects (A/76/391).

In 2021, Brazil lost two of its most prominent experts in the realm of oceans and law of the sea with the passing of Rear Admiral Jair Alberto Ribas Marques and Professor Fábio Hazin.

I would like to acknowledge the invaluable contribution of Rear Admiral Ribas to the work of the Commission on the Limits of the Continental Shelf. Since his first election in 2012, he worked tirelessly to the implementation of the United Nations Convention on the Law of the Sea (UNCLOS) by sharing his technical expertise on hydrography and oceanography with other members of the Commission. In order to carry out his work in the Commission, Brazil was honoured to present the candidacy of one of our finest experts on hydrography, oceanography, geology and geophysics, Vice-Admiral Antonio Fernando Garcez Faria, for the election that will take place tomorrow. We look forward to continuing to support the work of the Commission in its fundamental role of facilitating the implementation of UNCLOS.

I would also wish to acknowledge the vast contribution of Professor Fábio Hazin to international negotiations related to fisheries. At the time of his passing, Professor Hazin was acting as Chair of the fifteenth round of informal consultations of State Parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. He also chaired the past four informal consultations of States parties, including the most recent Review Conference on the Fish Stocks Agreement, the Committee of Fisheries of the Food and Agriculture Organization of the United Nations and the International Commission for the Conservation of Atlantic Tunas, among other bodies. Brazil is grateful for his contribution to advancing the rule of law in the area of sustainable fisheries.

Brazil considers of utmost importance the enhancement of our common understanding of the impact of human activity on our oceans. In this regard, the completion and launch of the *Second World Ocean Assessment*, in 2021, was a valuable output of the second cycle of the Regular Process, most particularly in identifying gaps in knowledge and capacity-building. The national, regional and global efforts

under the United Nations Decade of Ocean Science for Sustainable Development are also key to realizing the potential of ocean science and strengthening the ocean science-policy interface. In addition, the twenty-first meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea provided important information on the impacts and challenges of sea-level rise.

Brazil would like to reaffirm its engagement with the implementation of Sustainable Development Goal (SDG) 14. In this context, we look forward to the 2022 United Nations Ocean Conference, in Lisbon, which comes at a timely moment to strengthen and mobilize partnerships in support of the implementation of SDG 14 and the delivery of the 2030 Agenda.

Brazil is strongly committed to the ongoing negotiations on a legally binding instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. We look forward to engaging with all delegations next year in the fourth session of the Intergovernmental Conference on a legally binding instrument under the United Nations Convention on the Law of the Sea for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction that effectively addresses questions related to the access and utilization of marine genetic resources, including benefit-sharing.

As we approach the fortieth anniversary of the adoption of UNCLOS, Brazil would also like to reaffirm its commitment to the objectives, purposes and principles enshrined in the Convention, which sets the universal legal framework for all activities in the oceans and seas. We also recognize the success and importance of the bodies established under 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, each of which has been making fundamental contributions to the implementation of the legal framework established by UNCLOS.

On various occasions, Brazil has stressed the importance of enhancing maritime safety, including in the event of an oil spill at sea. States must cooperate fully in inquiries relating to oil spills at sea, in line with article 94 of UNCLOS. Most particularly, States must share information on the maritime traffic of ships that fly their flags and sail in the impacted maritime areas. That is key in investigations related to such incidents if

we are to ensure accountability and the rule of law. We thank all delegations that have engaged constructively in the drafting of a paragraph that addresses this matter in this year's omnibus resolution on oceans and the law of the sea.

As my delegation has pointed out previously, a severe heavy-crude-oil spill at sea affected Brazil in 2019. The spilled oil, which was not extracted in our country, originated from a vessel that purposely sought to avoid detection. We sincerely hope to see enhanced cooperation between States in that regard in order to curb such behaviour and prevent similar events from recurring.

In conclusion, I wish to thank the team at the Division for Ocean Affairs and the Law of the Sea for their work during the process of consultations, especially under the difficult circumstances imposed by the pandemic. As has been tradition, their role was vital for the outcome before the General Assembly today.

Mr. Ruidíaz Pérez (Chile) (*spoke in Spanish*): Chile wishes to thank the coordinator from Singapore for draft resolution A/76/L.20, on oceans and law of the sea, and the coordinator from Norway for draft resolution A/76/L.18, on sustainable fisheries, for their efforts in reaching balanced texts that allow consensus for a broad number of Member States. That is why my delegation co-sponsored the drafts.

Chile also takes note of and appreciates the Secretary-General's report (A/76/311) and acknowledges the work carried out during this period by the Division for Ocean Affairs and the Law of the Sea on the many tasks assigned to it.

For Chile, the United Nations Convention on the Law of the Sea (UNCLOS) is the cornerstone of international law for marine affairs, as it is the legal basis for the development of activities in the oceans and establishes the framework for cooperation, collaboration and understanding among States for ocean conservation, the protection of marine ecosystems and the sustainable use of their resources.

The legal security provided by UNCLOS is a fundamental advance in international law, as it constitutes a solid legal regime that precisely defines maritime zones and the rights that coastal States enjoy over them, including the continental shelf of 200 nautical miles and the extended continental shelf. Chile

also values the establishment of the Area, as well as the legal status of the high seas.

Chile participates actively in the Council and Assembly of the International Seabed Authority, where important rules and guidelines for the regulation of the Area are discussed and where it is necessary to provide a legal framework for exploitation activities, pursuant to the requirements of the Convention and its 1994 Implementation Agreement. That legal framework, which must include environmental regulation, must be complete and of a high standard if we are to safeguard the rights of future generations.

In that regard, Chile wishes to express its concern about the activation of the rule in section 1, paragraph 15 of the annex to the 1994 Implementation Agreement with regard to Part XI of UNCLOS. We believe this should be an issue of concern for the General Assembly, which is why — together with Costa Rica and the Dominican Republic — we made an effort to draw the attention of the membership to the developments that impact vast soil and subsoil spaces that constitute the common heritage of humankind, especially in these exceptional circumstances.

That is why paragraph 66 of the omnibus draft resolution has been updated. Indeed, the coronavirus disease (COVID-19) pandemic has kept States from meaningful negotiations in New York, Kingston and across the globe, at least since March 2020. More recently, the worrying news about the new variant leads us to reiterate our concern about an undeniable fact, namely that States parties to UNCLOS will continue to have an insurmountable obstacle to negotiating the Mining Code — an impediment will not likely be removed in the coming months.

Chile believes that an effective, adequate and widely discussed regulatory framework needs to be completed before mining in the Area begins in order to ensure effective compliance with the applicable rules of the 1994 Implementation Agreement. In order to agree on such a framework, it is essential that all States participate in the negotiations through in-person meetings, which is impossible under the current circumstances. We have lost precious time through no fault of the States.

We therefore call on the States parties to UNCLOS to participate in a pragmatic discussion on alternatives in the relevant bodies of the Assembly of the International Seabed Authority and the meeting of UNCLOS

States parties, bearing in mind these unprecedented circumstances due to the COVID-19 pandemic.

In addition, Chile wishes to highlight four additional issues that are important for the oceans agenda and that should continue to be given special consideration by the General Assembly.

First, Chile highlights the importance of reaching a new international agreement within the framework of UNCLOS for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ). Chile regrets that the fourth Intergovernmental Conference on BBNJ, could not be held in 2020 or 2021 due to the pandemic and hopes that it can be held in March 2022, as planned. We also welcome the leadership of the President of the Conference, who has made significant efforts in the intersessional period.

We hope that this new agreement will provide us the legal framework to ensure the conservation and sustainable use of biodiversity in waters beyond national jurisdiction, which, among other things, will allow for the establishment of marine protected areas in that zone, with the aim of protecting at least 30 per cent of the oceans by 2030, a goal set by science to ensure the health of the world's oceans.

Secondly, ocean pollution, especially plastic pollution, must be urgently addressed. At a national level, Chile has implemented measures such as banning single-use plastic bags in supermarkets and shops since 2019. We appreciate that many other States are implementing similar measures, including in Latin American and the Caribbean.

Chile contributed to the creation of the Group of Friends to Combat Plastic Pollution, which it co-leads with Portugal in Nairobi, and actively participates in the Group of Friends in New York, led by Norway, Maldives and Antigua and Barbuda. We hope that in 2022 we will make decisive progress on an international agreement to tackle the problem through multilateral commitments.

Thirdly, I would like to underline that, since 2015, Chile has consistently promoted several actions to highlight the important link between the ocean and climate change. We utilized that approach as Chair of the twenty-fifth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP25), calling it the "Blue COP". Our work on this issue spanned an extensive period

beginning in 2019 and made significant progress in 2021 with COP26 in Glasgow.

Chile therefore wishes to highlight in the Assembly that decision 1/CP.26 of COP26 includes several paragraphs relating to the ocean and contains specific mandates for the parties and the entire institutional structure of the United Nations Framework Convention on Climate Change, with the aim of advancing concrete actions in order to officially enshrine the ocean as a key element of climate change policies.

Fourthly, our country expresses its support for the process for the development of a post-2020 global biodiversity framework under the Convention on Biological Diversity, and we hope that the international community will join efforts to protect 30 per cent of the ocean by 2030.

Finally, we wish to express our commitment to the United Nations Oceans Conference. We hope that it can be held in June 2022 and, thus, advance concrete actions to ensure the preservation of the ocean and achieve the Sustainable Development Goal 14 targets.

Mr. Martinsen (Argentina) (*spoke in Spanish*): At the outset, I would like to thank Singapore and Norway for their leadership and their efforts in conducting negotiations for the two draft resolutions before the General Assembly today (A/76/L.18 and A/76/L.20).

As it does every year, my delegation reiterates that the United Nations Convention on the Law of the Sea (UNCLOS) is one of the clearest contributions to strengthen peace, security, cooperation and friendly relations among nations. Without a doubt, the Convention is among the international instruments with the greatest number of economic, strategic and political repercussions and projections. The goal of the Convention's negotiators was to resolve all questions related to the law of the sea in one instrument. As a result, its provisions are a delicate balance of rights and obligations that must be preserved, including for addressing new challenges related to the law of the sea through the processes established within the General Assembly.

Marine biodiversity in areas beyond national jurisdiction is one of the most important topics in international law today. Argentina supports the regulation of the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction through a multilateral agreement under

UNCLOS. My country also supports the mandate of the intergovernmental conference convened to that end.

In our view, managing resources beyond national jurisdiction must be regulated and controlled by global institutions that adequately represent the international community as a whole. The three sessions, held in 2008 and 2009, took place in a constructive environment, and we hope to preserve the momentum during the fourth session. Regrettably, the fourth session has had to be postponed on two occasions due to the coronavirus disease pandemic.

In our view, the conservation and sustainable use of oceans and their resources are essential. We constantly strive to increase our knowledge of the sea, better regulate fisheries, combat illegal fishing, eliminate fishing subsidies, curb overfishing, recover fish stocks and protect biodiversity. In that context, the relevant bodies coordinate monitoring and control of Argentina's jurisdictional maritime spaces, deploying their respective means in the framework of the International Plan of Action to Prevent, Deter and Eliminate Undeclared, Unregulated and Illegal Fishing. Our country is actively working to meet the targets of the Sustainable Development Goal 14, with a view to protecting and conserving maritime spaces that represent various habitats and ecosystems.

To that end, Argentina created a national system of protected marine areas in 2014. Marine reefs can be found in all the world's oceans — at all latitudes and depths. As a result, the pollution of coastal marine systems and their interactions with biodiversity are complex multisectoral issues, with economic, social and environmental consequences at the global level.

We stress the importance of addressing this topic within the framework of the General Assembly. UNCLOS devotes a section — Part XII — to the protection and preservation of the marine area and contains specific provisions on the use of the sea and its resources, as well as on the conservation of resources, particularly living resources, and the preservation of the marine area.

Taking a prominent position among the various new challenges is climate change. The latest Conference of the Parties to the United Nations Framework Convention on Climate Change was held recently in Glasgow. Argentina is taking committed steps towards global climate action, first and foremost by submitting its nationally determined contribution, with more than

170 concrete mitigation and adaptation measures for climate change.

My country reiterates its concern about a growing trend to attempt to use General Assembly resolutions to legitimize regional fishery management organizations taking measures that go beyond their space, material, and personal scope. Argentina takes exception to that interpretation of General Assembly resolutions, particularly when it comes to measures that seek to give said organization jurisdiction over ships flying flags from a country that does not belong to such organizations.

Finally, Argentina wishes to pay tribute to the entire staff of the Division for Ocean Affairs and the Law of the Sea for their professionalism, responsibility and dedication, as well as for the enormous assistance they voluntarily provide to Member States, and we reiterate how important it is for the Division to be adequately funded in order to be able fulfil its mandate.

(spoke in English)

Last but not least, in my capacity of President of the thirty-first Meeting of States Parties, I would like to remind one and all of the need to have a quorum tomorrow in the Meeting because, otherwise, we will not be able to reach a successful outcome. I therefore strongly urge all delegations that have yet to submit their credentials to do so and to attend tomorrow's meeting in this very Hall.

Mr. Hollis (United Kingdom): The United Kingdom welcomes the text of this year's omnibus resolution on oceans and law of the sea (A/76/L.20). We thank in particular Ms. Natalie Morris-Sharma of Singapore for coordinating. We welcome the fact that the resolution reaffirms the universal and unified character of the United Nations Convention on the Law of the Sea (UNCLOS), which sets out the legal framework within which all activities in the oceans and seas must be carried out, and we underscore that the integrity of the Convention needs to be maintained. UNCLOS is a central pillar of international law. We continue to make clear that this legal framework applies in the South China Sea, as it also applies across the rest of the world's oceans and seas.

The United Kingdom is fully committed to upholding UNCLOS. The commitment is a common endeavour of the international community. We welcome the establishment of the Group of Friends of

the UNCLOS, which is a reflection of the importance that we all attach to the Convention.

The ocean plays a unique, irreplaceable role in regulating our climate. As a gigantic carbon sink, it has absorbed around a third of the carbon dioxide we have emitted, and more than 90 per cent of excess heat. The health of our ocean underpins the livelihoods of hundreds of millions of people around the world. Action to protect and restore the ocean is essential in our response to climate change. At the twenty-sixth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC), the United Kingdom presidency used its focus on nature to call for ambitious action to protect and restore ocean health and resilience, a joint message echoed by the UNFCCC's High-Level Climate Champions and the global ocean community.

The United Kingdom also recognizes the particular concerns of the member countries of the Pacific Islands Forum and the Alliance of Small Island States (AOSIS) with respect to the stability of their maritime boundaries in the face of sea-level rise. We are considering the Pacific Islands Forum and AOSIS declarations carefully, and we will also continue to engage with the work of the International Law Commission on this issue.

As leader of the Global Ocean Alliance and Ocean Chair of the High Ambition Coalition for Nature and People, alongside Costa Rica and France, the United Kingdom continues to champion the "30x30" target under the Convention on Biological Diversity to protect at least 30 per cent of the global ocean by 2030. Evidence indicates that not only will achieving this target help to reverse adverse ecological impacts and preserve fish populations, but it will also help to increase resilience to climate change and sustain long-term ocean health. Over 100 countries now support a 30x30 target for the ocean, and the United Kingdom urges everyone to come on board.

The United Kingdom would also like to take this opportunity to reaffirm its commitment to the ongoing process on biological diversity of areas beyond national jurisdiction. We look forward to the convening of a fourth intergovernmental conference under the able leadership of Ambassador Rena Lee, hopefully in March 2022.

The United Kingdom also welcomes the imminent adoption of this year's draft resolution on sustainable fisheries (A/76/L.18), and we would like to thank the

coordinator, Mr. Andreas Kravik of Norway, and the Division on the Law of the Sea, for all their work, and all delegations for their full engagement in this process despite another year with the constraints of coronavirus disease. The adoption of the draft resolution shows that, while perhaps not ideal, virtual working can and does achieve results. We very much look forward to 2022 and the upcoming informal consultations of States parties to the United Nations Fish Stocks Agreement, as well as the United Nations workshop on bottom fishing and its subsequent report. We hope that next year we are once again able to meet in person in order to further these important discussions and make even more progress to support the sustainability of fisheries globally. The United Kingdom looks forward to playing its part.

Finally, we would like to use this opportunity to express again our deep sorrow at the passing of Professor Fabio Hazin who played such a key part in international fisheries management, including in his role as Chair of the informal consultations of States parties to the United Nations Fish Stocks Agreement.

Ms. Bhat (India): My delegation joins all the delegations in the Hall in thanking Ms. Natalie Morris-Sharma of Singapore, who has very ably coordinated this year's consultations for the draft omnibus resolution on oceans and the law of the sea (A/76/L.20). We would also like to thank Mr. Andreas Kravik of Norway, for successfully coordinating the consultations on the draft resolution on sustainable fisheries (A/76/L.18), which will be adopted in General Assembly today. Our thanks also go to the entire staff of the Division of Ocean Affairs and the Law of the Sea for conducting online meetings in an efficient manner and for their constructive cooperation. We also welcome the comprehensive report of the Secretary-General highlighting key activities and developments relating to ocean affairs and the law of the sea (A/76/311) and also take note of addendum to the report contained in document A/76/311/Add.1, which draws attention to the ongoing threat of imminent catastrophic environmental damage posed by the floating storage and offloading oil vessel *FSO SAFER*.

Our oceans are facing huge challenges, including the deterioration of the marine environment, loss of biodiversity, climate change, illegal fishing practices and those relating to maritime safety and security. Described as the Constitution of the Oceans, UNCLOS, by establishing a delicate balance between the need for economic and social development and the need to

protect and preserve ocean resources for humankind, provides the legal framework for the use of oceans and their resources. The International Seabed Authority (ISA), the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf, established under the Convention, hold the key to proper implementation of the provisions of the Convention and to the realization of desired benefits from the uses of the seas.

We welcome the report on the work of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (A/76/391). We welcome the recommendations of the Ad Hoc Working Group, including the need to strengthen the regular scientific assessment of the state of the marine environment in order to enhance the scientific basis for policymaking.

Given the diversity of needs and challenges, India believes that ensuring transfer of marine technology and effective global partnerships are necessary for capacity-building. Greater marine awareness and sharing scientific knowledge especially with small island development States and least developed countries would help in developing sustainable ocean-based economies, besides laying a foundation for equitable participation by all States. At present, India is actively involved with the ISA in formulating the exploitation code for polymetallic nodules for commercial mining, so that the effects of deep-sea mining do not leave any irreversible environmental impact on the oceans, and that the actions are sustainable.

India is working towards becoming one of the significant contributors to “Blue Growth” as a part of the long-term strategy to support sustainable growth in the marine and maritime sectors. India has very recently articulated its own comprehensive Blue Economy policy framework, which aims to cover the coastal economy, tourism, the marine fishery, technology, skill development, shipping, deep-sea mining and capacity-building in a holistic manner.

India is committed to protecting the coastal and marine environment and attaches special importance to preventing and significantly reducing marine debris and litter by 2025 through global action and the collective efforts of all stakeholders. In this regard, the Government of India has launched a massive campaign

called “Swachh Bharat/Clean India” to clean up cities and villages and rejuvenate the country’s waters.

We support the concerted efforts of the international community aimed at achieving sustainable fisheries by, inter alia, adopting measures to prevent and combat illegal, unreported and unregulated fishing and effectively implementing the Fish Stocks Agreement and the relevant instruments at the regional level. We consider the role of the Food and Agriculture Organization of the United Nations to be crucial in the conservation of fisheries resources and the management and development of fisheries.

We also welcome the report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its twenty-first meeting (A/76/171), held virtually, in which deliberations were focused on the topic of “Sea-level rise and its impacts”. The topic is timely, as it is an extremely important opportunity for the State parties to deepen their knowledge on the matter and exchange experiences and best practices. Discussion on this important topic will definitely boost the international community’s efforts to achieve the Sustainable Development Goals (SDGs), particularly SDG 14.

An area of significant interest and importance to the international community is the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. In this context, we take note of discussions held in the three sessions of the intergovernmental conference on an international legally binding instrument, convened pursuant to resolution 72/249, which addressed the topics identified in the package agreed in 2011. However, the coronavirus disease pandemic has affected the convening of the fourth session of the intergovernmental conference. We are hopeful that it will be convened soon, as decided by the States.

India calls for a free, open and inclusive order in the Indo-Pacific based upon respect for sovereignty and territorial integrity of all nations and believes in the peaceful resolution of disputes through dialogue and adherence to international rules and laws. We cannot allow our seas to turn into zones of conflict. Secure and open sea lanes are critical for peace, stability, prosperity and development.

India reiterates the importance of freedom of navigation and over-flight on the high seas, unimpeded lawful commerce and resolving maritime disputes

by peaceful means, in accordance with universally recognized principles of international law. Decisions of international judicial bodies are meant to be respected and given effect by the countries.

India has a traditional and abiding interest in maritime and ocean affairs. As a responsible partner of the international community, it takes keen interest in all matters pertaining to the oceans affairs and assures full cooperation in efforts aimed at ensuring the proper management and sustainable use of the oceans.

Mr. Koba (Indonesia): Oceans and seas, which cover over 70 per cent of the Earth's surface, undoubtedly play a key role not only in the generation of a life-supporting ecosystem but also on the cultural and historical aspects of our planet. Therefore, the importance of the collective responsibility of all States in taking care of the health, productivity and sustainability of oceans cannot be over-emphasized.

As the world's largest archipelago and a party to the United Nations Convention on the Law of the Sea (UNCLOS), Indonesia reaffirms its commitment to promoting ocean sustainability and to supporting effective ocean governance based on UNCLOS. My delegation would like to thank Singapore and Norway for their excellent coordination on the two draft resolutions on our agenda today (A/76/L.20 and A/76/L.18). The annual draft resolutions, which we support and co-sponsor, remain critical as a reminder of the international community's commitment to cooperating on oceans and sustainable fisheries. The draft resolutions also reflect the current state of various elements pertaining to oceans and sustainable fisheries.

With respect to the draft resolution on sustainable fisheries, my delegation wishes to emphasize the importance of replacing the term "to eliminate" with the term "to prohibit" in paragraphs 130 and 131, in addressing fisheries subsidies, as it is consistent with the Sustainable Development Goal 14.6 on life below water. We take note of the Secretary-General's report on oceans and the law of the sea (A/76/311), which assesses various relevant developments, including the continued impact of the coronavirus disease on the oceans and law of the sea, maritime safety and security, and protection of the marine environment.

I would like to stress three pertinent points. First, the ocean-climate nexus is palpable, with the oceans being an important carbon sink that bears most of the burden of anthropogenic global warming. The

international community's continued efforts to promote ocean-based action in addressing this challenge is vital. In this regard, we reiterate the joint statement of the Archipelagic and Island States Forum, circulated at the recent twenty-sixth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC), emphasizing its continued commitment to supporting and strengthening discussion and cooperation on the nexus of climate change and oceans within the UNFCCC and the Paris Agreement. For our part, we have developed a number of concrete measures including establishing an ocean-sector road map for climate solutions, rehabilitation of mangroves and enhancement of control of such forms of ocean pollution as marine litter and plastic debris.

Secondly, the challenge of sea-level rise demands thorough and concrete responses from us. Such responses need to be rooted in cooperation at the local, national, regional and multilateral levels. Moreover, building national resilience, implementing strategic policies and fostering collaborative practical activities are important. Indonesia is also of the view that boundary agreements should be upheld regardless of sea-level rise.

Thirdly, the importance of dialogue and cooperation in the region, including through the implementation of the objectives and principles of the Outlook on the Indo-Pacific of the Association of Southeast Asian Nations. Such a mechanism would be a useful platform for strengthening collaboration in the Indo-Pacific region and serve as the locus of interregional discussion. My delegation is eager to further promote collaborative activities with all relevant stakeholders with respect to maritime cooperation, connectivity, the 2030 Agenda for Sustainable Development, economic and other possible areas of cooperation in the region and beyond.

In conclusion, allow me to reiterate Indonesia's solid commitment to upholding and implementing UNCLOS, which is a central and universal treaty that ensures effective intergovernmental cooperation on oceans. The Convention reflects a fundamental balance between the interests of States. It underpins international peace and security and promotes sustainable development.

Finally, I wish to express sincere appreciation to the Division of Ocean Affairs and the Law of the Sea in the United Nations Secretariat for its great support.

Mr. Romero Puentes (Cuba) (*spoke in Spanish*): Cuba considers the United Nations Convention on

the Law of the Sea (UNCLOS) to be of fundamental importance for the maintenance and strengthening of peace, international law and sustainable development in the oceans and seas. UNCLOS is a major milestone in the codification of international law and has been ratified by the vast majority of States. It establishes the appropriate and universally recognized legal framework within which all activities relating to the oceans and seas must be carried out.

It is important to preserve the integrity of UNCLOS and the implementation of its provisions as a whole. Oceans and the law of the sea affairs should be under the supervision of the General Assembly to ensure greater coherence in the conduct of such affairs and for the benefit of all States Members of the United Nations. Cuba stresses the importance of the United Nations continuing to promote the momentum of common action towards working to reduce the vulnerability of developing countries, especially the least developed countries, small island developing States and low-lying coastal countries, to the environmental, social and economic consequences of the effects of climate change on the oceans. The effects of climate change on the oceans pose a significant risk to these countries' economies, biodiversity, food security and human health. In this regard, further enhanced cooperation and coordination is needed to counteract these effects, which will benefit humankind, the oceans and the Earth. To this end, it is essential that developed countries fulfil their commitment to providing official development assistance to developing countries, especially the least developed countries and small island developing States, and that they transfer technologies and contribute to building these countries' capacities.

The two draft resolutions to be adopted today — the omnibus draft resolution on oceans and the law of the sea (A/76/L.20), and the draft resolution on sustainable fisheries (A/76/L.18) — are the result of long and intense negotiations. We thank the delegations that have demonstrated flexibility and a desire to promote the objectives of these draft resolutions. We also thank the Norwegian facilitators, under whose able guidance and leadership we were able to successfully conclude our consultations. Both draft resolutions provide important steps to strengthen the implementation of existing instruments on oceans at the global and regional levels.

Cuba has made great efforts in the adoption of national strategies for sustainable development and

the protection of the marine environment to implement coherently, progressively and effectively the provisions of the Convention. Those efforts have seen their culmination in the Constitution adopted by the Cuban people in a 2019 referendum, which establishes the rights and duties of the State and its citizens with regard to the protection of the environment, including the marine environment and the fight against climate change.

The Cuban State has in place robust institutions and national legislation in the area of the law of the sea and takes every measure it can to successfully confront crimes at sea, such as illicit trafficking of narcotics and psychotropic substances, illegal human trafficking and piracy.

Cuba reiterates the importance of strengthening international cooperation in managing marine resources and caring for the oceans and their biodiversity, in accordance with the principles of international law, while respecting the sovereignty of States over their territorial waters and their right to resources found in their exclusive economic zone and continental shelves. We strongly support the meritorious work of the Commission on the Limits of the Continental Shelf and urge all Member States to lend their support so as to ensure that the work of the Commission has all the resources it needs. We must recognize the heavy workload of the Commissioners and their willingness to consider every case thoroughly and expeditiously. That is why it is important that the Commission be able to carry out its work quickly and effectively, while complying with the legal requirements established for that purpose.

Preserving marine biodiversity resources is of vital importance to future generations. The regime governing the use of those resources will have a direct impact on many developing countries, most of them small island States. Cuba supports efforts to developing an agreement on marine biological diversity of areas beyond national jurisdiction. We urge all members of the international community to work together at the fourth session of the Intergovernmental Conference so that we can arrive at concrete results that will lead to the conclusion of a binding international instrument on the issue.

We would be remiss in concluding without first expressing our gratitude for the painstaking work of the Division for Ocean Affairs and the Law of the Sea in promoting the law of the sea and ocean affairs. We

would also like to thank the coordinators of the two draft resolutions to be adopted on this issue, which will once again be supported by Cuba.

Mr. Arrocha Olabuenaga (Mexico) (*spoke in Spanish*): Nothing we can say in this forum can do justice to the vital importance of the oceans. Whether in terms of the health of ecosystems or conditions relating to human development, the oceans are the critical key to life on our planet, as we know it. That is precisely why the United Nations Convention on the Law of the Sea (UNCLOS) is so important, as it establishes the legal framework within which all activities in the oceans must be carried out.

The constitution of the oceans is the locus in which human activity and environmental conservation converge under international law. Properly used, the seas and oceans can lay the foundations for strengthening peace, well-being, cooperation, friendly relations and the protection of the planet with the framework of achieving the 2030 Agenda for Sustainable Development. To that end, as in all international relations, attention must be focused on cooperation among nations and capacity-building, including the transfer of marine technology to ensure that we leave no one behind. Scientific knowledge is becoming increasingly important with regard to suitable decision-making that has an impact on all of humankind.

The most important body established by UNCLOS with regard to issues involving cooperation and the transfer of marine technology may well be the International Seabed Authority. Mexico acknowledges the progress of the work of the Legal and Technical Commission related to the draft exploitation regulations and the other guidelines and norms that will regulate exploitation activities, particularly those aimed at ensuring the effective protection and conservation of the marine environment and its resources in the Area.

It is time to redouble our efforts to agree on a clear and robust legal framework, based on the best available science that is, above all, effective in regulating such activities in all their aspects. It is critical that, when exploitation activities begin in the Area, an adequate legal framework is in place to safeguard the common heritage of humankind and ensure upholding the various obligations under Part XII of UNCLOS and its implementing agreement. Similarly, we must make progress on the development of an international legally binding instrument under the United Nations

Convention on the Law of the Sea for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, as many other delegations have reiterated throughout this debate.

We trust that the Intergovernmental Conference will be able to hold its fourth session in March 2022, as its Preparatory Committee discussed this week, although that might mean modifying and adapting the modalities of the Conference to the new circumstances. The negotiation process cannot be postponed any longer. Such a treaty will serve to fill a legal vacuum in the law of the sea to strengthen the protection, conservation and sustainability of the oceans — an issue that is already critical. That must be done in fully keeping with the principle of the common heritage of humankind for the use of living resources in areas beyond national jurisdiction.

The health emergency that has resulted from the coronavirus disease pandemic has highlighted the need and importance of consolidating the principle of solidarity and responsibility with the commitment to leaving no one behind. Mexico acknowledges the efforts of all those involved in the negotiation process, including the Division for Ocean Affairs and the Law of the Sea, to maintain and enrich discussions throughout the intersessional work.

Nevertheless, we must maintain our willingness to work on the process with a view to adopting a robust agreement at the next session of the Intergovernmental Conference. To that end, we hope that, under the leadership of the Conference's presidency, we will be able to make progress in reviewing proposals and preparing working documents that will bring delegations' positions closer together. The role of the facilitators will be crucial in paving the way for negotiations at the next session.

We also acknowledge and are grateful for the very important role that civil society organizations have played in the process since its inception. They have been instrumental in maintaining active dialogue among delegations during the interruption caused by the pandemic. Maintaining momentum on the issue is due in large part to their tireless work.

In addition to those efforts, Mexico welcomes the release of the *Second World Ocean Assessment* in April as the main outcome of the second cycle of the Regular Process for Global Reporting and Assessment of the States of the Marine Environment, including

Socioeconomic Aspects. The *Assessment* provides comprehensive and integrated scientific information on the state of the marine environment in order to inform decisions and actions by strategic stakeholders.

We also take note of the terms of reference and working methods of the Group of Experts for the third cycle of the Regular Process, as well as the mechanism for establishing the Pool of Experts for the third cycle of the Regular Process. Together with the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, the Regular Process provides valuable opportunities to strengthen the regular assessment of the state of the marine environment to improve the scientific basis for policy-making.

The governance of the oceans must be based on full adherence to the rule of law. In that regard, we stress the importance of the judicial role of the International Tribunal for the Law of the Sea in the peaceful settlement of disputes. We also highlight that it was able to adapt its working methods in the context of the pandemic, which allowed it to continue its activities. We also acknowledge the work of the International Court of Justice in the peaceful settlement of disputes relating to the law of the sea.

In addition, we acknowledge the work of the Commission on the Limits of the Continental Shelf. We hope that the vacancy to be filled tomorrow will serve to strengthen its ability to carry out its mandate. However, there is a clear need to strengthen the operability of that body so that it can function effectively and efficiently.

We cannot ignore the fact that we are holding this debate at a crossroads for humankind, which is a result of the climate crisis we are experiencing. In the context of this emergency, speeches are useful only if they are matched by concrete actions. The conditions of life in the immediate future depend on it. We hope that draft resolution A/76/L.20, on oceans and the law of the sea, together with draft resolution A/76/L.18, on sustainable fisheries, which we will adopt this evening and which Mexico co-sponsored, will contribute to achieving that goal. For that reason, we also call all on all delegations to take this opportunity to reflect on all that we can do for our seas and oceans at the national, regional and global levels.

Our sociopolitical constructs, such as borders and market values, will be of little or no use if we neglect the natural resources of the planet. And we must focus all our efforts first and foremost on the oceans,

as they are the main regulators of the climate and our primary source of food, while their mineral and genetic resources enrich our industries and technology, including benefits in the field of medicine. The riches they offer are simply priceless. The seas and oceans represent the only genuinely global space of our planet that belongs to all of us and that therefore compels us all to respect and safeguard it as responsibly as possible.

Ms. Edward (Nauru): Nauru associates itself with the statements delivered by the representative of Antigua and Barbuda on behalf of the Alliance of Small Island States (AOSIS), the representative of Fiji on behalf of the Pacific Islands Forum (PIF) and the representative of Samoa on behalf of the Pacific Small Island Developing States (SIDS).

First, I want to thank the facilitators, Ms. Natalie Morris-Sharma of Singapore and Mr. Andreas Kravik of Norway, for bringing the negotiations on the oceans omnibus draft resolution (A/76/L.20) and the sustainable fisheries draft resolution (A/76/L.18) to their successful conclusion. We also thank the Division for Ocean Affairs and the Law of the Sea for its exemplary work in these extraordinary times.

As many members have heard us say before, Nauru is a big ocean State. We are highly dependent on marine resources for our sustenance and economic development. That is why we give ocean issues the highest priority with our limited capacity. The conservation and sustainable use of the ocean are paramount if States like mine are to continue to survive. The coronavirus disease and its variants have certainly changed the world and set aside the plans that we had made for our oceans work. For us to move beyond that and create the bright world that we envisioned in the 2030 Agenda for Sustainable Development, we must end our war with nature.

While the super year for the oceans did not play out as we had hoped, we are hopeful that next year we can get back on track with our urgent work on ensuring healthy, productive and resilient oceans. The Conference of the Parties to the Convention on Biological Diversity, the second Ocean Conference and the conclusion of negotiations on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction are important mile-markers that can set us on the right path. In order take the right path, we

must first acknowledge properly the challenges ahead. That begins with acknowledging the vast scope of the adverse impacts of climate change, ocean acidification and deoxygenation, increasing storm intensity, changes in the diversity and abundance of marine species and sea-level rise, among others.

We are therefore gratified that this year's omnibus draft resolution contains language acknowledging the findings of the Intergovernmental Panel on Climate Change, as well as text recognizing the importance of the issues of sea-level rise and the acknowledgement of the PIF and AOSIS Leaders' Declaration on Preserving Maritime Zones in the face of Climate Change-related Sea-level Rise. As we are a country that is 99.99 per cent ocean, setting our baselines is critical to preserving our sovereignty.

Given the current threats posed to marine biodiversity, it is also important to conclude at the next Intergovernmental Conference an ambitious, international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction that, among other things, will enable the establishment of effective, cross-sectoral marine protected areas to maintain global ocean health, recognize the special relationship of small islands to the ocean and provide for the fair and equitable sharing of benefits from marine genetic resources.

We will also need higher-ambition marine targets that are true to the three goals of the Convention on Biological Diversity built into the post-2020 global biodiversity framework currently being negotiated. Those targets must also consider the uniqueness of island biodiversity and our high levels of endemism. They year 2022 will now have to be our ocean super year. We need to show ambition and progress towards achieving the 2030 Agenda for Sustainable Development and our ability to deliver on the promises we made when we adopted it in 2015.

We look forward to the convening of the Ocean Conference under the able leadership of our hosts, Kenya and Portugal, and hope that we will have success stories to report there, as well as opportunities to develop and reinforce partnerships. We also hope that, as part of the United Nations Decade of Ocean Science for Sustainable Development, coordinated by the UNESCO Intergovernmental Oceanographic

Commission, SIDS will be seen as custodians and stewards of the ocean, consulted early and folded into relevant processes in order to help bring about a broader scientific information and knowledge base for the oceans on which we rely.

There is also important work for the International Seabed Authority, and we call on its member States and all stakeholders to finalize, negotiate and adopt a world-class regulatory regime that allows for the responsible collection of seafloor minerals while ensuring the protection of the environment, as well as to implement the vision of the United Nations Convention on the Law of the Sea.

Before concluding, we also want to continue highlighting the importance of addressing illegal, unreported and unregulated fishing. No one country can combat it alone; and I am pleased that we are working closely with our neighbours in Micronesia to combat illegal, unreported and unregulated fishing jointly and collectively through a subregional strategy, addressing the issue of transnational crime and marine security.

Mr. Al Reesi (Oman) (*spoke in Arabic*): I have the honour to deliver this statement on behalf of the delegation of the Sultanate of Oman to the General Assembly on the occasion of the debate on agenda item 78, "Oceans and the law of the sea".

The seas, oceans and the law of the sea are of great importance to the Sultanate of Oman, given its geographical position on the Arabian Sea, the Sea of Oman, the Arabian Gulf and the Indian Ocean. Oman's vision for the year 2040 reaffirms the importance it attaches to the seas and oceans through the implementation of its strategies to preserve the Sultanate's marine resources and guarantee the optimal use of marine wealth and the blue economy, pursuant to its plans to realize sustainable development.

In that connection, we subscribe to the Secretary-General's conclusions concerning the challenges and dangers that the seas and oceans of the world are currently facing, and we recognize the importance of joint international cooperation in order to safeguard marine ecosystems, contain emerging dangers and preserve the biological diversity and future resources of States in the areas that fall within or beyond their national jurisdiction.

The 1982 United Nations Convention on the Law of the Sea is a cornerstone of the seas and oceans

system. We call on all States to respect this system and act according to international rules in order to achieve the goals and objectives related to the seas and oceans of the 2030 Agenda for Sustainable Development and in the context of the United Nations Decade of Ocean Science for Sustainable Development and the United Nations Decade on Ecosystem Restoration.

We reiterate the importance of the optimal and equitable use of the seas and oceans. We call for international legislation to address marine pollution, including marine waste management, plastic pollution and oil slicks in territorial waters, exclusive economic zones and high seas. We also call for the promotion of joint international cooperation to increase our knowledge in the area of sea-related technology and research, facilitate the transfer of knowledge and technology to the developing coastal States in order to build their capacity for the protection of marine ecosystems, and allow them to reap greater benefits from the blue economy.

In conclusion, I can only reaffirm the assessment of the report of the Secretary-General (A/76/311) that achieving the sustainability of our seas and oceans demands urgent and intensive efforts on all fronts and at all levels to reverse the negative trends and patterns, including by developing marine science and technology, conserving marine biodiversity and marine resources, using them sustainably and protecting and preserving the marine environment.

Mr. Mulalap (Federated States of Micronesia): I would like to thank the delegations of Singapore and Norway for so ably steering the informal consultations on the two draft resolutions before us today (A/76/L.20 and A/76/L.18), of which Micronesia is a sponsor.

Their Excellencies of Antigua and Barbuda, Fiji and Samoa, speaking respectively on behalf of the Alliance of Small Island States, the Pacific Island Forum and the Pacific Small Island Developing States (see A/76/PV.46), have eloquently expressed the positions of our small island groups on the two draft resolutions before us. My delegation wholeheartedly subscribes to those statements. I would like to add a few points in my national capacity.

As a nation covering over 1 million square miles of the Pacific Ocean and with centuries of reliance on our ocean for survival, the Federated States of Micronesia accepts the responsibility to continue to speak out on the

sustainable use and management of marine resources within and adjacent to our exclusive economic zone.

Our people have lived in harmony with the ocean and their natural environment since our ancestors began to navigate the seas. We have relied on traditional knowledge to conserve our land and seas and will continue to look to it for best practices in preserving the resources that come from the ocean, while also utilizing it to fight climate change.

The landmark Declaration on Preserving Maritime Zones in the face of Climate Change-related Sea-level Rise, which is endorsed by the Pacific Island countries and reflected in one of the draft resolutions before us, is a formal statement of the collective views of our Pacific Island countries. The declaration specifically recognizes sea-level rise as:

“the defining issue that imperils the livelihoods and well-being of our peoples and undermines the full realization of a peaceful, secure and sustainable future for our region”.

In acknowledgment of the potential legal implications of sea-level rise on maritime zones, such as those of Micronesia, the declaration proclaims, among other things, that our islands’ maritime zones:

“as established and notified to the Secretary-General of the United Nations in accordance with the [United Nations] Convention [on the Laws of the Sea], and the rights and entitlements that flow from them, shall continue to apply, without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise.”

Being among the least responsible for the phenomenon of climate change-related sea-level rise, it will be deeply unjust and inequitable if my country has to surrender any of its maritime rights and entitlements due to such sea-level rise, including its rights and entitlements to rich fishery resources in our exclusive economic zone.

The declaration expresses the collective views of our Blue Pacific continent and is supported by the United Nations Convention on the Law of the Sea and legal principles underpinning it. Micronesia encourage the international community to consider the declaration and its overarching objectives favourably.

We are deeply alarmed by recent reports from the Intergovernmental Panel on Climate Change that

underscore that global mean sea-level rise associated with climate change is likely to be as high as 1 metre by the end of the century.

The Western Pacific, where my country, Micronesia, is located, has already experienced sea-level rise three times higher than the current global mean. While that report and others point to a time in the future, in just the past few days, live videos and pictures posted on social media from the atolls and the coastal plains of the higher volcanic islands in Micronesia capture the perilous challenges that sea-level rise poses to our islands.

Unprecedented king tides have risen to an alarmingly high level. Salt water has inundated our taro patches, the main source of our food crops. Our groundwater wells, the source of our drinking water, have gone bad. The rising sea has created havoc to the point where even our dead are no longer safe in their burial grounds. Frightened children on some islands have to wade through water just to get to school.

The sea-level rise predictions that point to a time in the future are already here for Micronesia. The same is true for the rest of the islands in the Pacific and for atolls elsewhere.

The world can no longer turn a blind eye to the results of non-action on climate change and the pleas from island countries for more ambitious climate action.

Mr. Prytula (Ukraine): The delegation of Ukraine aligns itself with the statement delivered by the observer delegation of the European Union (see A/76/PV.46) and would like to make the following remarks in its national capacity.

Ukraine is pleased to join a significant number of other delegations in co-sponsoring the draft resolutions on oceans and the law of the sea (A/76/L.20) and sustainable fisheries (A/76/L.18). I would like to express appreciation for the able coordination by the facilitators of both draft resolutions.

Despite efforts to avoid and adapt to the impacts of the coronavirus disease (COVID-19), the ongoing development of the legal framework for the oceans, as set out in the United Nations Convention on the Law of the Sea (UNCLOS), continue to be challenged by the pandemic.

All States are striving to build back better, but redoubled efforts will be needed on the path to recovery

and to achieve the Sustainable Development Goals of the 2030 Agenda for Sustainable Development, particularly in order to make progress on our ocean-related targets, some of which have already expired.

Humankind is facing enormous challenges in ensuring the health of the oceans for both today's and future generations. While reduced human activities have a positive impact on certain marine species and ecosystems, the overall health of the oceans, their resilience and productivity continue to deteriorate. It is therefore of paramount importance to pay more attention to those problems and take concrete steps to address them.

First and foremost, through much-needed international cooperation and coordination, there is a need to enhance ocean governance as a cornerstone of the protection and preservation of marine environments and biodiversity, as well as ensuring peaceful relations between States.

The United Nations Convention on the Law of the Sea established an overarching legal framework within which all activities in the oceans and seas must be carried out. By setting out a legal order for the oceans and seas, the Convention continues to contribute to peace and security, cooperation and friendly relations among all nations, as well as to sustainable development.

The Convention requires States parties to settle any disputes between them concerning the interpretation or application of the Convention by peaceful means. Consistent with Article 33 of the Charter of the United Nations and article 279 of UNCLOS, Ukraine has striven to peacefully resolve its disputes with the Russian Federation.

Since early 2014, Russia has engaged in numerous blatant violations of Ukraine's rights under UNCLOS and other relevant provisions of international law. It has unlawfully excluded Ukraine from exercising its maritime rights in the Black Sea, the Sea of Azov and the Kerch Strait. It has exploited Ukraine's sovereign resources in those waters for its own ends and it has usurped Ukraine's right to regulate within its own maritime areas in those waters.

Through those violations of international law, Russia is, among other things, stealing Ukraine's offshore hydrocarbons and fisheries resources, harming the livelihoods of Ukrainian fishermen and interfering with navigation, including vessels heading through the

international Kerch Strait and towards Ukraine's port in the Sea of Azov.

On 16 September 2016, Ukraine served on the Russian Federation a notification and statement of claim under annex VII of UNCLOS, referring to a dispute concerning coastal States' rights in the Black Sea, the Sea of Azov and the Kerch Strait.

On 19 February 2018, Ukraine filed a memorial with the UNCLOS Tribunal, establishing that Russia has violated Ukraine's sovereign rights in the Black Sea, the Sea of Azov and the Kerch Strait.

On 21 February 2020, the Tribunal rejected Russia's position that it lacks jurisdiction over the Ukrainian case and determined that it would hear significant aspects of Ukraine's claims, including those related to Russian violations of UNCLOS in the Kerch Strait and the Sea of Azov.

Despite the ongoing trial, the Russian Federation continues to violate the norms and principles of international law in attempts to usurp Ukraine's sovereign rights as a coastal State. In particular, it closed parts of the Black Sea in the direction of the Kerch Strait for a period of six months, starting in April 2021.

Moreover, on 25 November 2018, Russia engaged in a wave of UNCLOS violations by blocking, attacking detaining and seizing Ukrainian military vessels in the Black Sea and near the Kerch Strait. Such actions constitute a grave violation of UNCLOS provisions that regulate territorial waters, international straits and exclusive economic zones.

On 1 April 2019, Ukraine, in accordance with UNCLOS, duly notified the Russian Federation about a dispute concerning the immunity of three naval vessels and 24 servicemen on board. By the order dated 25 May 2019 of the International Tribunal for the Law of the Sea, Russia was obliged to immediately return the vessels to the custody of Ukraine. It took the Russian Federation almost half a year to complete that return. Today Russia continues to violate UNCLOS by denying the immunity of the Ukrainian servicemen involved and prosecuting them based on actions taken while they were on board the Ukrainian naval vessels.

On 21 November 2019 and 27 October 2020, the arbitral tribunal under annex VII to UNCLOS issued two procedural orders in the case concerning the immunity of three Ukrainian naval vessels and 24

servicemen on board, as well as announcing a decision on the further course of its consideration.

On 11 October 2021, a hearing concerning preliminary objections of the Russian Federation was held.

As a next step, the arbitral tribunal will consider the case on its merits. The immunity of warships is a fundamental principle of international customary and maritime law. No one has the right to violate it, and, in the case of violation, one should bear full responsibility. Ukraine is confident that the Russian Federation will ultimately be held accountable for its serious violations of the law of the sea.

Amid the continuing COVID-19 pandemic, we have to redouble our efforts to achieve the targets of Sustainable Development Goal 14, including through enhanced international cooperation and coordination, increased capacity-building and the transfer of technology to developing States. In order to be cohesive, effective and long-lasting, such efforts must be undertaken within the context of the legal framework set out by UNCLOS.

In conclusion, I would like to express our gratitude to the Secretariat and the Division for Ocean Affairs and the Law of the Sea for their work and constant support during the year.

Ms. Solano Ramirez (Colombia) (*spoke in Spanish*): The delegation of Colombia would like to express its sincere appreciation to Ms. Natalie Morris-Sharma of Singapore and Mr. Andreas Motzfeldt Kravik of Norway for their efforts as coordinators of draft resolution A/76/L.20, on oceans and the law of the sea, and draft resolution A/76/L.18, on sustainable fisheries, respectively. We also thank Ms. Yolannie Cerrato of Honduras and Mr. Mark Zellenrath of the Netherlands for their report on the work of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (A/76/391).

This year humankind has remained subjected to the ravages of the coronavirus disease pandemic, which has brought about changes even in the way that we relate to the ocean. That situation has led Member States to take the decision to postpone substantive discussions on the draft resolutions that we are considering today, which is why we see reflected in the draft resolutions only what

delegations considered to be mere technical updates. However, the debate on what constitutes mere technical updates and what are genuine substantive changes to the draft resolutions was not easy to resolve in the various rounds of negotiations. In our delegation's view, that leads to major discrepancies and allows for a great deal of subjectivity.

The overall result is harmful to our oceans, as we sometimes become involved in divisive discussions that could more easily be settled with clearer rules of procedure. That would allow us to focus on the substance, which is to address the urgent concerns that arise from the current state of our seas and oceans.

Apart from what I have just said, to which my delegation only hopes to respectfully draw attention, Colombia recognizes the valuable contribution of the draft resolutions on oceans and the law of the sea and on sustainable fisheries and therefore actively participated in their negotiation, always in a constructive spirit. However, my delegation notes that, as on previous occasions, the draft resolutions retain language that the Colombian Government does not share with respect to the 1982 United Nations Convention on the Law of the Sea (UNCLOS), such as the view that the Convention is the only normative framework governing activities conducted in the oceans.

While it has not ratified UNCLOS, Colombia has always recognized the importance and significance of UNCLOS. Insofar as the Convention sets out rules of customary law, those rules are applicable to Colombia when my country has recognized them as such.

Many other international, regional and bilateral instruments also regulate oceanic matters, and countries such as ours that are not parties to the Convention are just as concerned as those that are about issues affecting the health and sustainability of seas and oceans and their resources, including fishery resources. We therefore request that that is always taken into account in references to the Convention in resolutions. However, delegations are always reluctant to acknowledge and reflect in the text the circumstances of States not party to UNCLOS.

We are therefore compelled to once again reiterate that the current draft resolutions and our participation in their adoption process cannot be considered or interpreted in such a way as to imply the Colombian State's express or tacit acceptance of the provisions of UNCLOS.

Colombia conducts its activities in the marine environment in strict compliance with the various international commitments that it has expressly adopted or accepted. We take this opportunity to emphasize that, since it has not ratified UNCLOS, its provisions are not enforceable or opposable for Colombia, except those that it has expressly accepted.

Customary law cannot be prescribed. For all those reasons, Colombia expresses its reservation with regard to any mention in the draft resolutions of the Convention as the only regulatory framework that regulates activities in the oceans. We reaffirm that we do not consider ourselves bound by the contents of the draft proposals, and request that this statement be included in the official record of this meeting.

At the same time, we call for the substantive discussions not to be further postponed. The oceans cannot wait any longer.

In that regard, in the draft resolution on sustainable fisheries it is key, for example, to encourage States to commit to priority processes to make fishing sustainable, such as the World Trade Organization negotiations to eliminate harmful subsidies that contribute to overfishing, overcapacity and illegal, unreported and unregulated fishing, which Colombia has been chairing in that body.

Likewise, Colombia is ready to restart negotiations on the instrument on the marine biodiversity of areas beyond national jurisdiction. That is why we have remained actively involved and always willing to collaborate throughout the intersessional period, with a view to preventing the instrument and its negotiation from losing momentum.

The constructive spirit that guides our country on matters pertaining to oceans and the law of the sea is based on our firm conviction that all nations have a commitment and responsibility to protect the sea and its resources, extensive biodiversity and ecosystems and that all countries share the enormous concern about issues such as rising sea levels, marine plastic pollution and ocean acidification, given that a sustainable future for the world and our very survival as a species largely depend on our seas and oceans.

Colombia is therefore always ready to continue working alongside other nations to address the challenges facing our oceans and to make them clean,

healthy, resilient, productive, predictable, accessible and safe.

Mr. Valtýsson (Iceland): “Life is *bacalao*.” So spoke Salka Valka, the strong female lead of a cherished novel by the Icelandic Nobel laureate Halldór Laxness. *Salka Valka* is a great novel, which touches upon rapid developments of Icelandic society in the twentieth century. It is about love, other demons and so much else.

However, there is one thing throughout the book, and that is fish. The same can be said about Icelandic society during the twentieth century and through the ages. In the small fishing towns and villages on the coastline around our island, where it is cold, wet and dark in the winter and somewhat less cold and bright throughout the night in summer, life was indeed about fish.

While the Icelandic economy today revolves around more than just fish and livestock, sustainable seafood still sustains life on our island, both through export and as the nutrient-rich, climate-friendly superfood that it is.

This year, at the United Nations Food Systems Summit, Iceland placed great emphasis on the role of blue and aquatic foods, and, at the moment, we are, along with others, in the process of establishing a blue and aquatic foods coalition.

While meetings have been held and some progress made, 2021 has still been a difficult year. The pandemic still marches on despite our hopes for a different year from 2020. Indeed, we became better at managing online meetings and the United Nations again opened up to an extent, but we were not able to meet in person for complex negotiations with people coming from all over the world to participate. That applies to the draft resolutions under discussion today, on sustainable fisheries (A/76/L.18) and on oceans and the law of the sea (A/76/L.20).

I take this opportunity to warmly thank the two coordinators who ably guided our discussions — Ms. Natalie Morris-Sharma of Singapore, on the oceans and the law of the sea draft resolution, and Mr. Andreas Kravik of Norway, on the sustainable fisheries draft resolution. While updates to the draft resolutions were mostly technical, the devil is in the detail, and our coordinators once again proved why they were selected for those important positions.

Our thanks also go to the President of the Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ), Ambassador Rena Lee of Singapore, and her facilitators and staff; the Director of the Division of Ocean Affairs and the Law of the Sea, Mr. Vladimir Jares, and his capable staff; and all the other hardworking people who have kept the United Nations going throughout an extended challenging period.

Iceland remains optimistic that in-person draft resolution negotiations will take place in the autumn of 2022 and that other important ocean and law of the sea negotiations, meetings and conferences will take place during the year. This year, we actively participated, as we had in previous years, and we will continue to do so.

In terms of in-person meetings, there is reason to celebrate that the Commission on the Limits of the Continental Shelf was finally able to meet here in New York. This autumn also saw the twenty-fifth anniversary of the International Tribunal for the Law of the Sea, which was celebrated in Hamburg. The Tribunal has greatly contributed to peace through its role in dispute settlement within the law of the sea. Iceland is proud to support Judge Tomas Heidar, incumbent Vice-President of the Court, for re-election for a seat on the Tribunal in the elections taking place in 2023.

Among the important meetings ahead of us is the eventual Ministerial Conference of the World Trade Organization, which has just been postponed until next year. Iceland has long advocated the importance of reaching agreement on prohibiting harmful fisheries subsidies, which contribute to overcapacity, overfishing and illegal, unreported and unregulated fishing. The mandate of Sustainable Development Goal 14.6 was to conclude the agreement by 2020. As negotiations continue in Geneva, we remain hopeful that States will at last cross the finish line under the able leadership of Director-General Ngozi Okonjo-Iweala.

Another important meeting ahead is the long-awaited fourth session of the BBNJ Intergovernmental Conference. We look forward to actively engaging in those important negotiations on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. In that context, we would like to highlight that this process and its outcome

must build on, and not undermine, existing legal instruments and frameworks, particularly the United Nations Convention on the Law of the Sea 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. Furthermore, it is imperative that negotiations continue to be guided by consensus, as that is the way towards achieving the universal application of that instrument.

Life will not be *bacalao* anymore unless we manage to turn the tide on climate change and carbon emissions. The other side of that coin is, among other things, ocean acidification — a phenomenon that is worse felt in cold Arctic waters than elsewhere and can result in major damage to life in the ocean. In addition, sea-level rise disproportionately affects many small island States, but we also would emphasize that it is a matter of concern to all States Members of the United Nations and a global challenge, which we must work collectively to respond to.

Iceland welcomes the ocean references in the Glasgow Climate Pact of the twenty-sixth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, which are a significant step towards integrating ocean aspects throughout international climate policy and frameworks. On the domestic front, the Icelandic Government has just renewed its mandate and has set out the new, ambitious goal of being the first in the world to become not only carbon neutral, but independent of fossil fuels by 2040 at the latest. In the field of development cooperation, the emphasis on climate change is to be greatly increased.

There are, of course, environmental threats to the ocean other than climate change, which must be tackled simultaneously. Iceland chaired the Arctic Council until recently and prioritized Arctic marine issues, with an emphasis on plastic pollution and the blue bioeconomy, as well as climate and green energy solutions. The Arctic Council is an example of successful regional cooperation, where scientific cooperation plays a key role.

Science is, indeed, the best friend of successful ocean management, conservation and sustainable use. We therefore welcome the United Nations Decade of Ocean Science for Sustainable Development, which

began this year. The Decade is coordinated by the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Iceland has just been elected to the Executive Board of UNESCO, and looks forward to continuing to work within the organization on ocean issues and sustainable development.

Mr. Roughton (New Zealand): Aotearoa New Zealand is pleased to co-sponsor the draft resolutions on oceans and the law of the sea (A/76/L.20) and on sustainable fisheries (A/76/L.18). We wish to convey our sincere gratitude to the coordinators, Ms. Natalie Morris-Sharma and Mr. Andreas Kravik, for their hard work. We also thank the Division for Ocean Affairs and the Law of the Sea for its ongoing support.

The United Nations Convention on the Law of the Sea is a key pillar of the international rules-based system. New Zealand welcomes that the draft resolution on oceans and the law of the sea reaffirms the Convention as the definitive legal framework within which all activities in the oceans and seas must be carried out. We also welcome the acknowledgement of the Convention's universal and unified character.

As an island State with a large maritime zone, compliance with the obligations and enjoyment of the rights contained in the Convention is of vital importance to the security, prosperity and sustainability of New Zealand and our Pacific partners. We are proud to be a founding member of the recently established Group of Friends of the Convention.

The Convention provides rules for the protection and preservation of the marine environment and for the sustainable use of marine resources. It sets out the legal framework for the establishment of maritime zones and the rules of freedom of navigation and overflight. It also provides for the peaceful settlement of disputes. Observance of those rules are critical to the maintenance of the international rules-based system, the health of the oceans, regional peace and stability and continued unimpeded access to shipping and air routes for our trade. The Convention applies across the world's oceans and seas, including the South China Sea, and is the only framework within which competing maritime claims in that region, alongside others, should be addressed and disputes resolved.

New Zealand welcomes the ongoing work of the International Seabed Authority in developing a regulatory framework to govern seabed mining in

the Area. We are actively engaged in the development of that framework. Along with other States, we seek a regulatory regime that ensures that deep-sea mining cannot proceed unless the marine environment is effectively protected. The effective protection of the marine environment in accordance with article 145 of the Convention must be our collective bottom line in the upcoming negotiations on the Mining Code.

New Zealand also reiterates the importance of making progress on the draft treaty under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. We are grateful for the leadership demonstrated by the President of the Intergovernmental Conference, Ambassador Rena Lee of Singapore, in maintaining momentum through intersessional dialogues, and we look forward to the convening of the fourth session of the Intergovernmental Conference at the earliest convenience.

Sea-level rise and climate change pose grave threats to small island developing States and low-lying communities around the world, especially in our Pacific region. As signatories to the Pacific Islands Forum Leaders' Declaration on Preserving Maritime Zones in the Face of Climate Change-related Sea-level Rise, we align ourselves with the statement on this matter delivered by the representative of Fiji today on behalf of the Pacific Islands Forum (see A/76/PV.46).

New Zealand is committed to working with the international community to ensure that the maritime rights and entitlements on which many States rely are preserved, consistent with the principles of equity, certainty and stability that underpin the Convention. Our consideration of this issue is guided by both the need to preserve the balance of rights and responsibilities agreed in the Convention and the critical importance of upholding its integrity and primacy.

Mr. Panier (Haiti) (*spoke in French*): I am very pleased to take the floor on behalf of the Haitian delegation in this debate under agenda item 78, entitled "Oceans and the law of the sea", leading to action by the General Assembly on two draft resolutions contained in documents A/76/L.18 and A/76/L.20.

My delegation congratulates the coordinators and facilitators of the two draft resolutions. Haiti aligns itself with the statement made by the representative of Antigua and Barbuda (see A/76/PV.46) on behalf of

the Alliance of Small Island States, of which Haiti is a member.

My delegation takes note of the report of the Secretary-General (A/76/311) submitted pursuant to paragraph 364 of resolution 75/239. We also welcome the report of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (A/76/391), as well as the report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its twenty-first meeting (see A/76/171).

Those documents provide us with updated information on ocean affairs and the law of the sea in the context of the implementation of the United Nations Convention on the Law of the Sea, which represents a global constitution of the oceans. The contents of the documents give us a better understanding of the scope and complexity of the issues of the oceans and seas.

My delegation would like to take this opportunity to commend the important work of the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf despite the negative impact of the coronavirus disease (COVID-19) pandemic on their normal functioning.

The importance of the oceans in developing world trade is well established. As stated in the Secretary-General's report, more than 3 billion people rely on the oceans for their livelihoods and over 80 per cent of world trade is conducted by sea. All of that is to say that the contribution of the oceans and their resources to poverty eradication, economic growth and social development remains crucial.

The Secretary-General's report highlights a close relationship between the well-being of the world's population and the health of the oceans, for the oceans and their ecosystems cover more than 70 per cent of the Earth's surface and form 95 per cent of the biosphere. That simply means that the oceans are sources of vital and invaluable benefits to the world's population.

Ocean resources play an important role in climate regulation, coastal protection, job creation, recreation and food for people. That is why my delegation believes that it remains imperative to protect the oceans and their resources in order to achieve the well-being of our populations.

Unfortunately, the threats caused by the increasing pressures resulting from human activities on our symbiotic relationship with the oceans, in particular rising sea levels, are evident. It is regrettable that such devastating effects disproportionately affect coastal populations and the most vulnerable groups, particularly small island developing countries, which are the most vulnerable to natural disasters.

As the report makes clear, the situation of vulnerable groups whose livelihoods depend on maritime activities is exacerbated by the COVID-19 pandemic. It is becoming increasingly difficult for seafarers and communities working in fisheries and ocean-related sectors to consistently derive their livelihoods and food from the ocean.

Therefore, the Haitian delegation encourages the international community to continue to make the protection and restoration of the oceans a key requirement of the twenty-first century in the context of achieving the 2030 Agenda for Sustainable Development and the climate goals set out in the Paris Agreement on Climate Change.

My delegation welcomes the comprehensive international legal framework currently governing maritime and ocean activities. That multifaceted set of universal, regional and bilateral legal instruments is strengthened by national laws and regulations that implement the United Nations Convention on the Law of the Sea, which provides an important legal framework governing activities relating to the oceans and seas and their resources. We must do our utmost to preserve the integrity of the Convention. We also cannot ignore the non-legally binding instruments, including the 2030 Agenda and the annual General Assembly resolutions on oceans and the law of the sea. All that testifies to the will of the States Members of the Organization to ensure maximum protection of the oceans and seas and their resources.

The Republic of Haiti did not wait for the adoption of the United Nations Convention on the Law of the Sea in 1982 to delimit its maritime borders. As early as 1894, Haiti had set its maritime limit at six nautical miles, and that delimitation by the Haitian State has been upheld by the United Nations Convention some 100 years later.

Over the past five years, the Haitian authorities have deemed it necessary to further regulate the maritime sector. With that in mind, on 13 July 2017,

Haitian parliamentarians unanimously adopted a law amending the 1982 decree creating the Maritime and Navigation Service of Haiti, the Maritime Code and the Navigation Code.

With that new normative framework, the Haitian State seeks to provide the maritime sector with appropriate legal mechanisms and regulate the relationship between Administration officials and users of the sector. The overall aim to promote the development of maritime professions and ensure the safety and security of maritime transport. The maritime sector represents a hub of economic development for Haiti.

Conflicts related to the delimitation of borders is an issue that is as old as the world. It has systematically been at the centre of international relations for centuries and remains a matter of great concern to this day. The current and future challenges of maritime territories are manifold. The Convention, which represents the constitution of the oceans and its resources, has provided significant impetus regarding the delimitation of maritime boundaries.

Even today, geopolitical claims over nautical boundaries in the Caribbean basin, for example, are still numerous. However, we can take heart from the fact that the risks of major conflicts between the protagonists are low, not least because of the diplomatic maturity and good-neighbourly relations of the actors in question.

In conclusion, my delegation calls for the political will of the States parties to the Convention to establish more genuine international cooperation based on strengthening international peace and security, the protection of the maritime environment, the safeguarding of flora and fauna, the prevention of natural disasters, respect for coastal areas and the fight against drug trafficking. We have already made considerable progress, but we still have a long way to go towards effective universal application of the Convention and its implementing agreements so as to ensure maximum protection of our oceans for the benefit of all humankind.

Mr. Stellakatos Loverdos (Greece): Greece wishes to align itself with the statement delivered this morning on behalf of the European Union and its member States (see A/76/PV.46).

In our national capacity, I would like to make the following statement.

Like every year, Greece has co-sponsored the omnibus draft resolution on oceans and the law of the sea (A/76/L.20) and, in that respect, we wish to express our appreciation to the coordinator, Ms. Natalie Morris-Sharma of Singapore, for her endless efforts during the negotiations to reach a consensus. We also wish to express our appreciation to Mr. Andreas Kravik of Norway in relation to the sustainable fisheries draft resolution (A/76/L.18), which we have also co-sponsored.

The pre-eminent, universal and unified character of the United Nations Convention on the Law of the Sea (UNCLOS) is primarily evidenced in its unprecedented, almost universal, participation. The Convention is rightly recognized as the constitution of the oceans. In addition, international jurisprudence has long accepted that its provisions reflect customary international law and are therefore binding on all States, irrespective of whether or not they have acceded to the Convention.

The renewed commitment of all States to respecting the legal order of the oceans and the rule of law is now more than ever appropriate and relevant. In entering into bilateral arrangements or defining their maritime limits, as well as when conducting activities in the oceans and seas, States must respect the fundamental provisions of the law of the sea, such as the right of islands to generate the same maritime rights as other land territory, a rule that is enshrined in article 121 of the United Nations Convention on the Law of the Sea.

The customary character of that provision is specifically confirmed by jurisprudence. That entails, *inter alia*, a responsibility on the part of all States to ensure that all inter-State arrangements that they enter into, including maritime boundary delimitation and their activities conducted in the oceans and seas, are in line with general international law, that is, customary international law. It is imperative that the international law of the sea, the principle of good-neighbourly relations and the sovereignty and sovereign rights over the maritime zones of all States, including those generated by islands, be respected.

Mr. Proskuryakov (Russian Federation) (*spoke in Russian*): We thank the Secretary-General for his reports on maritime affairs (A/76/311 and A/76/311/Add.1). They are a valuable tool for assessing the current situation and providing guidelines for further work

in that area, while taking into account current and emerging challenges.

We emphasize the fundamental role of the 1982 United Nations Convention on the Law of the Sea in regulating the activities of States in the world's oceans. It is a unique instrument that ensures the effectiveness of inter-State cooperation. The Convention establishes a comprehensive legal regime, whose integrity must be safeguarded. Most of its rules are of a customary legal nature. In that context, given the great importance of the Convention, we encourage States that have not yet done so to consider acceding to it as soon as possible.

We note the successful functioning of the bodies set up under the Convention. They have generally succeeded in adapting to the conditions of the ongoing coronavirus pandemic. We are grateful to the Commission on the Limits of the Continental Shelf for its flexible approach to organizing its work. In the current difficult conditions, that has made it possible to continue fruitful interaction with delegations of States that have submitted applications.

We note the increased workload of the Commission as a result of the increasing number of new and revised submissions. We support providing it with all the necessary resources to effectively implement its mandate. We believe that it is necessary to continue to seek the best way to improve the conditions of service of the members of the Commission.

The International Seabed Authority has also adapted its working methods to the coronavirus disease realities. Despite the difficulties and challenges, fruitful cooperation in the key areas of its work continues. The number of cases before the International Tribunal for the Law of the Sea is increasing. That fact amply confirms the authority of that body and the trust placed in it by States.

We note the importance of cooperation among States in the context 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 and the corresponding establishment of a network of regional fisheries management organizations. The Agreement is a long-standing instrument for regulating fisheries in areas beyond national jurisdiction. The competent organizations have a unique body of scientific data on the state of fish stocks. However, only

reliance on science will allow the best balance to be struck between the interests of sustainable fisheries and the protection of the marine environment. The Russian delegation shares the views regarding the seriousness of the situation, as mentioned by the representatives of China and South Korea (see A/76/PV.46). We think that the situation will have to be considered in the future in the relevant forums.

Our delegation attaches the utmost importance to the annual resolutions on marine affairs. In that regard, we cannot but be concerned about the steady increase in the volume of those documents. That is often at the expense of including provisions that are only indirectly related to the maritime agenda.

Such an approach could jeopardize the purpose for which the resolutions were drafted. In our view, the main thing is to create the best conditions for States to carry out activities in the oceans and seas in the most effective and sustainable way. We call on States to focus on that as part of their work on draft resolutions. Overloading texts with highly specialized provisions not only duplicates the content of decisions adopted in other relevant forums, but also makes those documents harder to understand, significantly reducing their practical usefulness.

We thank the coordinators of the informal consultations on the omnibus draft resolution on oceans and the law of the sea (A/76/L.20), Ms. Natalie Morris-Sharma, and the draft resolution on sustainable fisheries (A/76/L.18), Mr. Andreas Kravik, as well as the Director of the Division for Oceans Affairs and the Law of the Sea, Mr. Vladimir Jares, and his team.

Russia respects the norms of international maritime law, including regarding peaceful navigation. However, we draw attention to the fact that, under the Convention, passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Military manoeuvres that seek to threaten the territorial integrity of the Russian Federation cannot be viewed in that way. The States taking such measures are not facilitating the stability or the achievement of the goals of the Convention.

We would also once again like to draw attention to the inappropriate remarks made by the representative of Ukraine, which are highly politicized, reiterated year after year and do not contain anything new. The list of fabricated accusations do not have anything to do with

today's meeting, and Ukraine's relentless determination to politicize the discussion is deeply regrettable.

Mr. Pieris (Sri Lanka): In 1977, when 150 nations were set to reach agreement on the law of the sea agreement, it was observed that rarely has any generation had a clearer choice to make between order and anarchy. For the previous four centuries, the issue of the jurisdiction of States was governed by the concept of a narrow band of territorial sea and the freedom of the high seas, which included the freedom of navigation and the freedom to exploit its resources. For centuries, it was assumed that the absolute vastness of the seas and their unlimited resources exceeded the human capacity to exploit it. It was only in the later years of the previous century that we began to realize the vulnerability of the oceans processes with the fast growth of science and technology.

Sri Lanka has been blessed with a geographical location that is much sought after and a highly biodiverse coastal and marine environment. The coastal ecosystems in Sri Lanka provide a variety of services that are vital to the coastal communities of the country and the environment. As such, we have invested much in a blue economy, focusing on economic growth that incorporates and protects the environment.

Our coastal zone is home to most of the urban population and infrastructure, as well as bountiful ecosystems that include mangrove forests, tidal marshes, seagrass beds and coral reefs. It is therefore no surprise that, being an island nation, Sri Lanka has a close association with the developing ocean governance processes. We were closely involved in the negotiation of the United Nations Convention on the Law of the Sea and chaired the Third United Nations Conference on the Law of the Sea towards the development of a new legal regime. As Chair, Sri Lanka was instrumental in the historical processes that created the three key institutions established by the Convention, namely, the Commission on the Limits of the Continental Shelf, the International Seabed Authority and the International Tribunal for the Law of the Sea.

It is our considered view that treaties such as UNCLOS and its unified and universal character allow us to have some control over how the global maritime order evolves and to derive benefits for the people of our country. As we strive to achieve the Sustainable Development Goals (SDGs), it is evident that if we cannot properly implement Goal 14, we

cannot guarantee the peaceful use of the oceans and the freedom of navigation enjoyed by all States. The freedom of navigation over the high seas has evolved over centuries and is today firmly established both in customary law and in treaty law, such as UNCLOS.

In that context, it may be apposite to observe that international law has divided the seas into jurisdictional zones and functional uses, with certain consequences in the context of maritime security. As we know, a coastal State can exercise its sovereignty within its baseline and internal waters. It must be appreciated that UNCLOS has made it possible today for several States to peacefully exercise several forms of jurisdiction.

The law of the sea has struck a balance among the various interests in our oceans. Within the 12-nautical-mile territorial sea, the coastal State exercises full sovereignty, save for the rights of innocent passage by navigating States. Beyond the territorial sea in a contiguous zone, we see coastal States exercising a limited jurisdiction. In the exclusive economic zone and the continental shelf, the coastal state enjoys sovereign rights over resources that are living and non-living. We therefore now enjoy the high seas that constitute zones of freedoms beyond national jurisdictions, including the right to navigate, fish and lay submarine cables, conditional upon being compliant with other laws.

The deep sea beyond national jurisdiction is considered international heritage beyond all humankind, which is regulated by the International Seabed Authority among the 168 UNCLOS parties. All that is possible due to UNCLOS, as presently framed regarding maritime issues as a dynamic and enduring instrument. We will soon see new vistas being exploited as we negotiate a new legally binding instrument under the Convention on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction.

It might also be well to remember that the several pillars of maritime security face a number of common challenges, which include maritime domain awareness, the turn to informality in transnational governance and non-State or grey-zone actors, of which we must take cognizance.

SDG 14.c envisages enhancing the conservation and sustainable use of the oceans and their resources by implementing international law as reflected in UNCLOS. Such principles enshrined in international law are designed to promote the legal order of the

oceans, which is vital to the maintenance of peace, security, the environment, the health of the oceans, peaceful trade and communications, and will ensure progress for all peoples of the world.

The ocean is a vast arena that covers more than 70 per cent of the Earth's surface, as we heard earlier. It is in that theatre that developed, developing, landlocked and coastal major maritime Powers and others interact with one another. That interaction happens quite peacefully and in a regulated manner by reason of UNCLOS. Today possessing military power no longer assures rights in the ocean, and that is singularly due to the Convention because the Convention is the law that rules the chartered seas of today. The Convention has revolutionized the international law of the sea, as it has introduced new concepts to meet the contemporary requirements of the international community. It has introduced equity into the international law of the sea in the place of traditional law, which tended to favour developed and powerful nations — the maritime Powers.

We must be proud of the fact that the Convention provides for an equitable relationship among States in their use of the seas, having regard for their geographical characteristics, political imperatives, economic circumstances and responsibilities to the international community.

May I wind up by making the observation that the greatest achievement of the Convention is that it has regulated the use of almighty omnipotent power over our seas by the establishment of the rule of law. The Convention has brought peace and order to our seas. Today maritime jurisdiction is no longer settled by the use of naval force but by reference to the Convention.

We must be happy today, as we do not hear of people going to war because they could not agree on a maritime boundary. Instead, they referred to UNCLOS as an established mechanism for the resolution of maritime disputes.

Sri Lanka remains committed to maintaining a rules-based order firmly grounded on UNCLOS, which continues to serve as the constitution of the seas.

The Acting President: We have heard the last speaker in the debate on agenda item 78 and its sub-items (a) and (b) for this meeting. We shall continue the debate to hear the remaining speakers on Thursday, 9 December, in this Hall.

The exercise of the right of reply has been requested. May I remind members that statements in the exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second intervention and should be made by delegations from their seats.

Mr. Kawase (Japan): On behalf of the Government of Japan. I wish to exercise the right of reply in response to the statement made earlier by the representative of China (see A/76/PV.46).

Regarding the safety of the handling of water treated by the Advanced Liquid Processing System (ALPS) at the Tokyo Electric Power Company Holdings' Fukushima Daiichi nuclear power station, the Government of Japan will take measures based on international standards and international practice. The safety of the handling of the ALPS-treated water will also be reviewed by the International Atomic Energy Agency, which has expertise and knowledge in the field of nuclear safety. I should also reiterate that the treated water that we mentioned is not contaminated water, but water that meets safety regulatory standards.

The Government of Japan has been transparent in explaining the status of its efforts to the international community based on scientific evidence, and I assure Member States that we will continue to do that.

Mr. Liu Yang (China) (*spoke in Chinese*): During today's debate on oceans and the law of the sea, representatives of some countries made incorrect remarks regarding the South China Sea issue to which China is firmly opposed. The United Nations is not the appropriate venue to discuss the South China Sea issue, but China must respond strongly to the rhetoric of the countries concerned.

China's position on the South China Sea issue is consistent and clear. China's territorial sovereignty and maritime rights and interests in the South China Sea have a full historical basis, a position to which the various Chinese Governments have adhered, in line with international law, including the Charter of the United Nations and the Convention on the Law of the Sea. China has always been committed to resolving territorial and jurisdictional disputes through negotiations with the States directly concerned. China has always been committed to working with the States members of the Association of Southeast Asian Nations (ASEAN) to maintain peace and stability in the South China Sea and friendly relations with neighbouring countries.

Currently, thanks to the joint efforts of China and ASEAN members, the situation in the South China Sea remains generally stable. Peace and stability in the South China Sea is in line with the common aspirations and expectations of the countries of the region. Some external forces, based on their selfish interests, persist in stirring up trouble with regard to the South China Sea issue, sow discord among countries of the region, strengthen their military deployment, intensify military activities in the South China Sea and seriously threaten regional peace and stability, China firmly opposes such efforts.

The arguments of some countries regarding the South China Sea issue are clearly wrong and deliberately misleading. China wishes to clarify its position to correct the record.

First, with regard to the so-called South China Sea arbitration case, it was instituted unilaterally by the Philippines. The Arbitral Tribunal in the South China Sea arbitration case violated the principle of State consent and exercised jurisdiction *ultra vires*. The Arbitral Tribunal made obvious mistakes in the determination of facts and the application of the law, and rendered awards in disregard of the law. Its awards are null and void and are not binding. China does not accept and did not participate in that arbitration. China does not accept or recognize the so-called awards and will not accept any claims or actions based on the awards. Some countries are eager to speculate on arbitration cases in the South China Sea in order to serve their political purposes. The only realistic and effective way to address the South China Sea issue is through negotiation and consultation.

Secondly, with respect to rights and interests in the South China Sea, as a State party to the United Nations Convention on the Law of the Sea, China enjoys the legal rights conferred upon it by the Convention. It should be noted, however, that the Convention does not exhaust all the rules of the law of the sea. As stated in the preamble of the Convention, matters not regulated by the Convention continue to be governed by the rules and principles of general international law. With respect to territorial sovereignty in the South China Sea, that does not fall within the scope of the law of the sea. China's territorial sovereignty and maritime rights and interests in the South China Sea are in line with international law and international practice. Some countries have exaggerated the role of the Convention

in a biased way, which constitutes an erroneous interpretation and application of international law.

Thirdly, regarding the freedom of navigation in the South China Sea, China has always respected and supported the freedom of navigation and overflight enjoyed by all countries in the South China Sea in accordance with international law. The South China Sea is one of the busiest and most free sea lanes in the world, with 50 per cent of the world's merchant ships and a third of the world's maritime trade passing through the area. More than 100,000 merchant ships boats pass through the South China Sea each year, but we have not received a single report of violations of freedom of navigation. According to the Lloyd's Market Association, no insurance company in the world has designated the South China Sea as a high-risk zone to raise premiums. It can be said that the freedom of navigation enjoyed by all countries in accordance with international law has never been an issue in the South China Sea.

Fourthly, on the matter of the so-called militarization of the South China Sea, China's point of departure in building the Nansha islands is to strengthen administrative functions and actively provide public goods to the region for the benefit of the people of the region. At the same time, China's deployment of necessary land defence facilities on its territory is in exercise of its inherent right under international law, is not directed against any country and has nothing to do with so-called militarization. What really warrants our vigilance is that, in the name of freedom of navigation, some countries are sending warships and military aircraft to show their military power in the South China Sea and threaten the sovereignty and security of coastal States. That should be firmly opposed by all sides.

At present, China and ASEAN member States are fully and effectively implementing the Declaration on the Conduct of Parties in the South China Sea, while engaging vigorously in maritime cooperation and advancing consultations on the Code of Conduct in the South China Sea. Countries in the region are striving to develop regional rules for joint participation, common compliance and shared responsibility. We hope that all the parties concerned, especially countries outside the region, will view the South China Sea issue objectively and rationally, play a constructive role, refrain from military provocation, cease sowing discord in the relations between ASEAN members and China and work earnestly to respect and support the countries of the region in maintaining peace and stability in the South China Sea.

In addition, I just heard the remarks of the Japanese representative in exercising his right of reply regarding the issue of the Fukushima Daiichi nuclear power station and the discharge of nuclear-contaminated water into the ocean. China cannot accept such explanations. The international community should firmly oppose Japan's selfish practice, which is detrimental to its neighbours.

Japan's decision to discharge nuclear-contaminated water into the ocean is irresponsible. China urges Japan to immediately rescind its decision to discharge the contaminated water into the ocean and stop its preparations for the discharge so as to maintain the overall interests of the international community.

The Acting President: The General Assembly has thus concluded this stage of its consideration of agenda item 78 and its sub-items (a) and (b).

The meeting rose at 6.15 p.m.