



General Assembly

Sixty-seventh session

49th plenary meeting
Monday, 10 December 2012, 10 a.m.
New York

Official Records

President: Mr. Jeremić (Serbia)

In the absence of the President, Mr. Charles (Trinidad and Tobago), Vice-President, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 75 (continued)

Oceans and the law of the sea

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

The Acting President: Members are reminded that, in accordance with resolution 67/5, the debate on agenda item 75 and its sub-items (a) and (b) is scheduled to take place tomorrow, 11 December 2012. I should also like to remind participants that statements in the commemoration should be limited to 10 minutes, as stipulated in the same resolution.

I shall now read out a statement on behalf of the President of the General Assembly, Mr. Vuk Jeremić.

“It is a genuine honour to participate in the commemoration of the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea (UNCLOS). The Convention is, in my view, a United Nations success story. When the Organization came into being in 1945, the oceans were largely regulated by customary international law. Member States realized that a universal law of the sea was urgently

needed. In that respect, the General Assembly was able to perform one of its main functions, under Article 13 of the Charter, in ‘encouraging the progressive development of international law and its codification’.

“It was the Permanent Representative of Malta, the late Ambassador Arvid Pardo, who is considered the founding father of UNCLOS and who proposed, in this very Hall in 1967, a comprehensive treaty to ensure the peaceful use and exploitation of the world’s oceans. His impassioned and lyrical speech lasted from morning well into the afternoon on a day in November, 45 years ago. It included these memorable words describing man’s close relationship to the sea:

“The dark oceans were the womb of life: from the protecting oceans life emerged. We still bear in our bodies — in our blood, in the salty bitterness of our tears — the marks of this remote past.”

“Ambassador Pardo’s legacy is the highly complex and far-reaching treaty that we are commemorating today. In 1982, when the Convention was opened for signature, it reflected an unprecedented attempt by the international community to protect what he called the ‘common heritage of mankind’. A total of 164 countries are now States parties to the Convention, which addresses issues ranging from navigation rights to maritime zones and deep-sea mining, the protection

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506. Corrections will be issued after the end of the session in a consolidated corrigendum.

12-63631 (E)



Please recycle

of the marine environment and dispute resolution procedures.

“I am proud that the General Assembly has continued to play an important role in the further development of the law of the sea. Its involvement is consistent with the framework established under UNCLOS.

“Three processes and working groups have been established in the General Assembly on issues related to oceans and the law of the sea, namely, the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, and the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.

“I also welcome the Oceans Compact: Healthy Oceans for Prosperity initiative, recently launched by the Secretary-General, which sets out a strategic vision for the United Nations system to deliver on ocean-related mandates. The exploitation of the world’s oceans was one of the critical issues reviewed at the United Nations Conference on Sustainable Development (Rio+20 Conference), held in Rio de Janeiro earlier this year. The outcome document of the Rio+20 Conference, entitled ‘The future we want’ (resolution 66/288, annex), recognizes the importance of the legal framework provided by UNCLOS in achieving the conservation and sustainable use of the oceans and seas and their resources.

“The world’s oceans play a key role in sustaining life on the planet and in promoting the economic and social advancement of all peoples of the world. A sustainable future will involve renewable energy. Marine renewable energies are an untapped potential in many regions of the world and can play a significant role in meeting sustainable development goals, in enhancing energy security and in creating jobs.

“Humankind has put the oceans at risk of irreversible damage. Overfishing, pollution, climate change, ocean acidification and unsustainable coastal area development and resource extraction have resulted in the loss of biodiversity and damage

to habitats. I am particularly concerned about the small island States, where climate change and oceanic acidification remain a great threat not only to their livelihoods, security and well-being but also to the very survival of those territories and nations.

“I would like to use this opportunity to encourage Member States to implement the agreed commitments on reducing greenhouse gas emissions. As the globe continues to warm up and sea levels rise, a number of small island States rely on the concerted action of all United Nations Members for their very survival.

“UNCLOS, along with other international conventions, has become a critical element of the international legal framework and can guide our shared efforts to protect the world’s oceanic environment. Now, more than ever before, we need to find a way to live in harmony with the natural world. We have a duty to protect the livelihoods of people who live from the sea but, at the same time, we need to improve its ecological health and to protect its natural resources. I strongly believe that nations should work together to achieve a more sustainable management of that precious resource and to address the threats that it currently faces.

“The preamble to UNCLOS states that the Convention:

‘will promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment’.

“It is a commendable goal to which, I believe, all nations can and should agree. In that regard, I encourage all Member States that have not done so to act in the service of humankind by signing and ratifying that seminal Convention.”

The Acting President: I now give the floor to the Secretary-General, His Excellency Mr. Ban Ki-moon.

The Secretary-General: We come together to celebrate the thirtieth anniversary of the United Nations Convention on the Law of the Sea. When the Convention was opened for signature in 1982, it was called a constitution for the oceans. Like a constitution, it is a firm foundation and a permanent document that

provides order, stability, predictability and security on the basis of the rule of law.

The Convention on the Law of the Sea is the legal framework that guides every aspect of our management of the oceans and seas. It is an acknowledgement that the many challenges and uses of the ocean are interrelated and need to be considered as a whole. With 320 articles and nine annexes, the Convention covers every aspect of the oceans and marine environment and sets out a delicate balance of rights and duties.

As Ambassador Tommy Koh of Singapore said in a statement commemorating the twentieth anniversary of the Convention, ‘the process of achieving the Convention is almost as important as the Convention itself’ (*A/57/PV.70, p. 6*). Forged through negotiations among more than 150 States, the treaty is a testament to the power of international cooperation, multilateral negotiation and consensus-building.

Today, we also pay tribute to the pioneers who helped to bring the treaty to life, namely, the late Ambassador Arvid Pardo of Malta, who launched the concept of the international seabed as the common heritage of humankind; the late Ambassador Shirley Hamilton Amerasinghe of Sri Lanka, who served as the first President of the third United Nations Conference on the Law of the Sea; and, of course, Ambassador Tommy Koh, the most recent President of the Conference.

Their leadership and diplomatic skills were instrumental in creating the legacy that we celebrate today. The codification and progressive development of the law of the sea have provided a flexible and evolving international legal framework. The Convention has guided us through the settlement of disputes, the delineation of the outer limits of the extended continental shelf and the administration of the resources of the international seabed.

Every day, the Convention continues to contribute to international peace and security, as well as the equitable and efficient use of ocean resources. In every corner of the world, it supports our efforts to protect and preserve the marine environment and to realize a just and equitable economic order. In short, the Convention on the Law of the Sea is an important tool for sustainable development, as affirmed this year by the United Nations Conference on Sustainable Development.

However, the oceans continue to face many challenges, including pollution, ocean acidification,

overexploitation of resources, piracy and maritime boundary disputes. Addressing such issues should compel us to strive for the full implementation of the Convention.

I am encouraged that the support for the Convention has grown steadily over the years. With 164 parties, including the European Union, it is nearing the goal of universality set out by the General Assembly (see resolution 37/66). Let us work to bring all nations under the jurisdiction, protection and guidance of that essential treaty. Let that be our goal as we mark 30 years of achievement and look to the next generation of opportunities, challenges and hopes on the high seas.

The Acting President: I thank the Secretary-General for his statement.

I now give the floor to Mr. Tommy Koh, President of the Third United Nations Conference on the Law of the Sea.

Mr. Koh (President, Third United Nations Conference on the Law of the Sea): I would like to extend a warm welcome to my colleagues from the United Nations Conference on the Law of the Sea. With advancing age, they have become a highly endangered species of homo sapiens. Let us extend a warm welcome to them.

Thirty years ago, the United Nations Convention on the Law of the Sea was adopted after a decade of patient and painstaking negotiations. On 10 December 1982, the Convention was opened for signature and was signed by 119 States on that day. The Convention today has 161 parties that are Members of the United Nations. That means that there are 29 Member States that have not yet become party to the Convention. One of them is our host country, the United States of America. I apologize in advance to the representative of the United States in case what I am about to say offends her. When my wife asked me recently when the United States would accede to the Convention, I answered her by quoting Churchill, who once said that we can always count on the United States to do the right thing after it has tried everything else. I hope we do not have to wait much longer, as the Convention is clearly in the interests of the United States and of the other States.

I wish to make three points. First, I wish to observe that the Convention has become the constitution for the oceans and seas. It is both comprehensive and authoritative. It has established a stable legal order. It

has kept the peace at sea. In that way, it has made a significant contribution to the rule of law in the world. The only parts of the world's oceans in which maritime disputes might threaten international peace are the East China Sea and the South China Sea. I would like to take this opportunity to call upon all the claimant States to act with restraint and to resolve their disputes peacefully and strictly in accordance with international law and the United Nations Convention on the Law of the Sea. Negotiations should always be our first preference.

However, if negotiations do not succeed, I would urge the parties to consider referring their disputes to conciliation, mediation, arbitration or adjudication by the International Tribunal for the Law of the Sea or the International Court of Justice. In that respect, I recognize the presence here with us this morning of Judge Yanai, the President of the Tribunal, and Judge Greenwood of the International Court of Justice. I wish to commend them and their fellow judges for their good work. As an Asian, I know that, in some Asian cultures, there is reluctance to take a friend to court. To those claimant States that feel that way, I would encourage them to focus on the option of the joint development of the disputed areas.

Secondly, I would like to point out that the Convention represents a careful balance of the competing interests of all States, including, *inter alia*, developed and developing, coastal, landlocked and geographically disadvantaged, port and seafaring, as well as States with artisanal fishermen and those with distant-water fishermen. The balance was arrived at through an open, transparent and inclusive process in which all States, big and small, participated and contributed to the compromises. The balance has worked well. It has stood the test of time. We should therefore be faithful in our interpretation and application of the Convention. We should avoid undermining the integrity of the Convention by taking actions of questionable legality in order to further our short-term national interests. In some cases, States have taken advantage of ambiguous language in the text of the Convention. In others, they are finding ambiguity where none exists.

Let me cite a few examples. Some States have drawn straight baselines when they are not entitled to do so. Some States have enacted domestic legislation conferring on themselves the jurisdiction to regulate certain activities in the exclusive economic zone that the Convention does not confer on them. Other States act

on the mistaken assumption that the exclusive economic zone is part of the High Sea, forgetting that they are enjoined by the Convention to have due regard for the rights and duties of the coastal State and to comply with the laws and regulations of the coastal State, so long as they are in conformity with the Convention. Some States have acted in contravention of the regime of transit passage. Some States have made maritime claims based on insular features that are not justified under the Convention. That is not an exhaustive list.

Thirdly, I wish to refer to the Secretary-General's Oceans Compact initiative, which he unveiled at the Yeosu International Conference on 12 August 2012. The Compact has the following three objectives: to protect vulnerable people and improve the health of the oceans; to protect, recover and sustain the oceans' environment and natural resources and to restore their full food production and livelihood services; and to strengthen the knowledge and management of the oceans. Let me make a few comments on the Secretary-General's initiative.

The Food and Agriculture Organization of the United Nations (FAO) has repeatedly called the world's attention to the crisis in the world's fisheries. The crisis has been caused by overfishing, by illegal, unreported and unregulated fishing, by the ineffectiveness of regional fishery management organizations and by the use of highly destructive and unsustainable fishing methods.

I would like to make a few suggestions. Subsidies for the fishing industry should be phased out, because they have led to overcapacity. The world can learn from the successful experiences of Iceland and New Zealand in the management of their fishing resources. The International Maritime Organization should consider requiring all commercial fishing vessels to be licensed and to carry transponders. Regional fishery management organizations should be empowered to take decisions by consensus if possible, and by majority if necessary. Certain highly destructive methods of fishing should be banned. Furthermore, the FAO's Code of Conduct for Responsible Fisheries, which deals with ethical fishing, should be strengthened.

The nexus between climate change and the oceans is not sufficiently understood. The oceans serve as the blue lungs of the planet. They absorb carbon dioxide from the atmosphere and return oxygen to it. The oceans also play a role in regulating the world's climate.

One impact of global warming is that our oceans are becoming both warmer and more acidic. That will have a devastating impact on the world's coral reefs and on marine biodiversity. The welfare of 150 million people living in coastal communities will be affected if we allow the reefs to degenerate and die.

Another impact of global warming and climate change is a rise in sea levels. The problem is not theoretical; it is real. Low-lying countries, such as Bangladesh, and island countries, such as Maldives and those in the South Pacific, are already experiencing the loss of land to a rising sea. The members of the Alliance of Small Island States have made a compelling case, and we should listen more attentively to them. If the sea levels continue to rise, millions of people will have to leave their homes and become ecological refugees.

I also support the Secretary-General's call to strengthen our knowledge about and the management of the oceans. It is ironic that we seem to know more about outer space than we do about our oceans. The oceans are our last frontier. The United Nations University, under the able leadership of its new rector, David Malone, should ignite a new interest in research on oceans and on ocean law and policy. The United Nations Office of Legal Affairs, under the leadership of Patricia O'Brien, and its Division for Ocean Affairs and the Law of the Sea, under the direction of Sergey Tarasenko, should incentivize law schools around the world to promote research in and the teaching of the law of the sea.

In conclusion, 50 years ago, the old maritime legal order was crumbling. There were many maritime disputes between States. Two European countries even fought a brief war over cod. In response to that situation, the United Nations convened the Third United Nations Conference on the Law of the Sea and held its first meeting in 1973. The Conference adopted a convention nine years later. Many learned men and women, people of goodwill, from all parts of the world, representing over 150 countries, participated in that historic endeavour. Many of them have passed away. However, their legacy of a new maritime legal order, bringing with it peace, order and equity, will never be forgotten.

The Acting President: I now give the floor to the representative of Malta, who will pay a special tribute to the late Ambassador Arvid Pardo of Malta.

Mr. Grima (Malta): It is an honour for me to have been invited to address the General Assembly on the

occasion of the thirtieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea. It is a particular privilege for me, as Malta's Permanent Representative to the United Nations, to stand before the General Assembly today to pay tribute to the historic contribution of the late Ambassador Arvid Pardo, Malta's first Permanent Representative to the United Nations.

Arvid Pardo was born in February 1914 to a Maltese father and a Swedish mother, but would sadly lose both parents before he was even 10 years old. He was brought up in Italy, where he would receive a doctorate in international law from the University of Rome. Without a doubt, the war between 1939 and 1945, including imprisonment by the fascists and years in solitary confinement, influenced his political philosophy and imbued him with a sense of purpose and determination, qualities that would later become self-evident in the pursuit of his vision of the law of the sea.

He moved to London in 1945 and later embarked on a distinguished career with the United Nations, where he served in various capacities, both at Headquarters and in the field, before being appointed as Malta's first Permanent Representative to the United Nations in 1964. In his own words, Ambassador Pardo recalled that

“sometime in February 1967, I had a dream about the ocean's space as potentially a way through which a more peaceful and more cooperative and equitable world could be achieved”.

A few months later he would deliver an unforgettable speech to the First Committee of the General Assembly that captured the imagination of delegations and set in motion a 15-year process that culminated in the adoption of the Convention on the Law of the Sea in 1982.

In his memorable speech in 1967, Ambassador Pardo started by explaining why Malta, three years after its independence, had submitted a new agenda item entitled “Examination of the question of the reservation exclusively for peaceful purposes of the seabed and the ocean floor, and of the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind”. He stated that

“[t]he Maltese Islands are situated in the centre of the Mediterranean. We are naturally vitally

interested in the sea which surrounds us and through which we live and breathe. We have been following closely for some time developments in the field of oceanography and deep sea capability and have been impressed by the potential benefits both to our country and to mankind if technological progress takes place in a peaceful atmosphere and within a just legal framework” (A/C.1/PV.1515).

Ambassador Pardo concluded his statement by expressing the hope that the General Assembly would adopt a resolution embodying a number of concepts, including that

“the seabed and the ocean floor are a common heritage of mankind and should be used and exploited for peaceful purposes and for the exclusive benefit of mankind as a whole” (A/C.1/PV.1516)

The impact of Malta’s initiative on the General Assembly was perhaps best captured by Evan Luard, a British delegate at the time who, in his book *The Control of the Sea Bed*, wrote as follows:

“There is no doubt that the Maltese initiative, and Dr. Pardo’s speech in particular, made a profound impact on the Assembly. In the delegates’ lounge, the spacious bar and smoking room where the delegates congregate between meetings, conversations tended to centre on the Maltese initiative. In the innumerable and interminable cocktail parties, representatives would ask one another how their Government would react to Dr. Pardo’s proposals. There was a general feeling that the United Nations had here become involved in a new subject, of profound importance but great complexity and fascination, which would command the attention of delegates and officials for many years to come.”

On 7 November 1967, Ambassador Pardo informed the Committee that agreement had been reached on a draft resolution, which was subsequently adopted by the First Committee on 8 December 1967 by a recorded vote of 93 votes in favour, nine against and one abstaining. A few days later, on 18 December 1967, resolution 2340 (XXII) was adopted by the General Assembly, this time by consensus. On that occasion Ambassador Pardo stated that the resolution was

“an expression of the collective sense of responsibility of all States for the vast expanse of the ocean beds. It is a sound beginning, an indispensable first step

towards effective international cooperation in the exploration, exploitation and use of the seabed and the ocean floor. While the draft resolution is a sound beginning, we are only at the initial stage of our task. Principles must be formulated, a treaty must be negotiated” (A/PV.1639, paras. 26-27).

Those statements by Ambassador Pardo, 45 years ago, unquestionably revolutionized the thinking of politicians, jurists, scientists and diplomats alike. Ambassador Tommy Koh of Singapore, President of the Third United Nations Conference of the Law of the Sea, whom we are privileged to have among us today, described Ambassador Pardo’s contribution in this way:

“Arvid Pardo contributed two seminal ideas to our work: first, that the resources of the deep seabed constitute the common heritage of mankind, and second, that all aspects of ocean space are interrelated and should be treated as an integral whole.”

President Koh had described the Convention as a constitution for the oceans. The Convention, he said, is a unique instrument, a tool to promote international solidarity in a new area as yet little known to man and where the genius of man will not fail to unfold the various mysteries of oceans and seas.

As Ambassador Pardo pursued the Maltese move, as some called it, a number of delegations at the time considered his initiative far too ambitious. Yet, despite resistance to his ideas on the part of some of the major Powers, Ambassador Pardo persisted in his objective, and while not entirely satisfied with the end result, he was pleased to see the United Nations Convention on the Law of the Sea opened for signature in Montego Bay on 10 December 1982.

Mr. Pardo always understood that great political power was the privilege of the few, but that the power of valuable ideas was within everyone’s reach and, with perseverance, courage and conviction, could be achieved. From very early in his career, Arvid Pardo was a firm believer in science and technology and their limitless potential. He was also conscious that they could cause immeasurable disruption to our planet and bring about intolerable conditions, even without a major war. In that regard, he always saw a role for the United Nations in harnessing various activities, in order to ensure that they would be channelled for the well-being of mankind and not for its destruction.

The international community owes a debt of gratitude to visionaries such as Ambassador Arvid Pardo, who selflessly pursue noble goals in the quest for a peaceful, fairer and more prosperous world. The late environmentalist Elisabeth Mann Borgese described him as one of the great men of the twentieth century, who contributed decisively to shaping the world of the twenty-first. The vision set out in 1967 by Arvid Pardo continues to inspire discussion today, and the concept of the common heritage of mankind extends itself to areas other than the oceans, including our global environment and outer space.

With gratitude, Malta is proud to recognize the historic contribution made by Ambassador Arvid Pardo in the context of the oceans, which earned him the well-deserved title of “Father of the Law of the Sea Conference”, and wishes to reaffirm the determination he expressed in 1967 that

“at least on the ocean floor we must not betray our sacred trust, and we must hand on this area, the very wellspring of life on this small planet of ours, unimpaired to our children and our children’s children” (A/PV.1639, para. 27).

The Acting President: I call on the representative of the Central African Republic, who will speak on behalf of the Group of African States.

Mr. Doubane (Central African Republic) (*spoke in French*): I have the honour to take the floor on behalf of the Group of African States on the occasion of the special commemorative event that brings us together today. This year marks an important stage in the history of the United Nations Convention on the Law of the Sea (UNCLOS), in that it commemorates the thirtieth anniversary of the signing of the original Convention. It is appropriate to recall here that, when the Convention was opened for signature in Jamaica’s second city, Montego Bay, on 10 December 1982, a record 117 countries were recorded as signatories, the largest number ever achieved for a treaty on its first day.

The African Group welcomes the adoption of resolution 67/5, dedicating two plenary meetings to commemorating the signing of the Convention. We also applaud the other events to be held in order to improve understanding of the Convention and the benefits it offers all humankind. The Convention is considered to be one of most comprehensive legal instruments ever negotiated under the auspices of the United Nations. It serves as the main legal framework by which everyone

can share in the development of the planet’s greatest resource, the oceans and seas, which cover more than two-thirds of the earth’s surface. The law of the sea also provides for the use of deep-sea mineral resources as the common heritage of humankind.

The growing list of States parties to the United Nations Convention on the Law of the Sea testifies to its relevance and importance and brings us a little closer to the ultimate goal of its universality. The African Group continues to hope that that goal will soon be reached. Today, 30 years later, the number of States parties to the Convention has reached 162. Over time, it has become a guide that enables us to regulate the use of the Earth’s oceans, the maritime borders that have been delimited and various maritime border delimitation disputes that have been resolved thanks to application of the rules the Convention provides.

The African Group recognizes that the oceans, seas and coastal zones are an integral component of the earth’s ecosystem, that they are essential to maintaining that ecosystem, and that international law, as reflected in the Convention, provides an appropriate legal framework for the conservation and sustainable use of oceans and their resources. In that regard, we emphasize the importance of the conservation and sustainable use of the seas and oceans, and of their resources, for sustainable development, including by contributing to poverty eradication, sustained economic growth, food security, the creation of sustainable livelihoods and decent work, while at the same time protecting biodiversity and the marine environment and dealing with the effects of climate change.

Highlighting some of the recent achievements made under the Convention, the African States welcome the historic advisory opinion rendered by the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea regarding *Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area*. The advisory opinion explains the nature and scope of States’ responsibilities and obligations and gives guidelines for the appropriate measures they are required to take.

As a principle of international law, the concept of the common heritage of humankind means that the territorial zones and hereditary resources from that heritage must be used in a sustainable way, in the interest of all of humanity, and be protected from exploitation by Member States individually or in

groups. To that end, the African Group is unshakeable in its belief that the Convention must be the basis for the law of the sea. The Convention has stood the test of time, largely because it has flexibility, such that it can respond to new challenges that arise in the maintenance and development of the law of the sea.

Strengthening capacities is important to States, especially developing countries in Africa, so as to maximize their use of the oceans and maritime resources. That is why they must fulfil the obligations deriving from the Convention and connected documents. Africa reiterates the need to provide the means for developing States to strengthen their capacities in matters relating to the Convention.

As African countries, we are highly aware of the importance of the oceans and seas to our development. We take this opportunity to acknowledge and appreciate for their true worth contributions to the special allocation funds established through various bodies of the Convention, which have made it possible for us, as developing African countries, to take part in the activities of those bodies.

To conclude, I reiterate that African States parties wish to renew their commitment to fully implement UNCLOS, in good faith and responsibility, and to respect the legitimate rights of coastal States parties in their territorial waters, exclusive economic zones and continental shelf areas, as provided for in the Convention. They pledge to cooperate fully in promoting marine scientific research, maximizing the use of biological resources, conserving the marine environment and managing international marine resources in the interest of humankind.

The Acting President: I call on the representative of the Republic of Korea, who will speak on behalf of the Group of Asia-Pacific States.

Mr. Kim Sook (Republic of Korea): I have the honour to address the General Assembly in my capacity as Chair of the Group of Asia-Pacific States. At the outset, I would like to pay a special tribute to the late Ambassador Arvid Pardo of Malta. Without his remarkable contribution to the development of the international law of the sea, today's event would not have been possible. Let me also pay tribute to the late Ambassador Hamilton Shirley Amerasinghe of Sri Lanka, who served as President of the Third United Nations Conference on the Law of the Sea from its first to its ninth session. I would also like to convey

our special thanks to Ambassador Tommy Koh of Singapore, whose outstanding skills as President of the Conference were indispensable as the Convention came into being and whose speech this morning was as impressive as ever. Let me also convey my sincere gratitude to the Division for Ocean Affairs and the Law of the Sea for its contribution to the convening of this special meeting.

Since humankind first set forth out upon the deeper seas, the issue of sovereign control over the oceans has been an ongoing concern. The urgent need for a new international public order for the ocean was recognized as early as the 1930s. Some progress was made in the first two United Nations Conferences on the Law of the Sea, in 1958 and 1960, towards establishing an agreed set of rules on maritime jurisdiction. However, the results of those Conferences were rather limited in terms of their universal acceptance.

Against that backdrop, the Third United Nations Conference on the Law of the Sea began. As we are well aware, after nine years of tough negotiations, the United Nations Convention on the Law of the Sea was opened for signature precisely 30 years ago today. That marked the culmination of a decade of hard work, involving the participation of a large number of countries across the globe.

The Convention has since resolved a number of critical issues, even those that had proved elusive and contentious for centuries. For example, the Convention settles once and for all the breadth of the territorial sea at 12 nautical miles. It also accords coastal States resource jurisdiction in a 200 nautical mile exclusive economic zone. The Convention declares the mineral resources of the seabed beyond national jurisdiction to be the common heritage of mankind. Lastly, it provides machinery for the settlement of disputes.

Yet there are challenges and threats to the world public order. Indeed, there are many. First of all, old problems have become more serious. They include degradation of the marine environment and overexploitation of resources. As far as the marine environment is concerned, I wish to draw attention to the fact that, since the adoption of the Convention, an exciting amount of progress has been made through the 1992 Earth Summit, held in Rio de Janeiro; the 2002 World Summit on Sustainable Development, held in Johannesburg; and the 2012 United Nations Conference on Sustainable Development, held in Rio de Janeiro this

year. Those Conferences have made us increasingly aware of the importance of global marine environment issues.

Furthermore, the world we live in now is very different from that of 1982. Then, many of the problems we now face could not have been anticipated. New challenges are emerging, however, such as climate change and the need to protect marine biodiversity. In order to deal with those issues, we need to continue to make the utmost effort to further strengthen cooperation. That must be done not only regionally but also globally.

I would like to take this opportunity to recall that in the "Future we want" statement (resolution 66/288, annex), adopted at Rio, we recognized the importance of the Convention on the Law of the Sea to advancing sustainable development and its near-universal adoption by States. The Convention is a living document, which lends itself to the further development of the law of the sea.

I am pleased to report that, during this year, there were several activities in our region organized by Asia-Pacific States to commemorate the thirtieth anniversary of UNCLOS. In particular, important conferences were held in Dhaka, Beijing, Tokyo and Yeosu, Republic of Korea, to mark the occasion.

In conclusion, the Convention, which is often referred to as "the constitution for the oceans", has served the goal of regulating ocean use by humankind for the past 30 years. Since the Convention entered into force in 1994, the number of States parties or entities has grown steadily to 164 as of today. Now, many aspects of its provisions are widely regarded as reflecting customary international law, so that they are legally binding on all States.

On behalf of the Group of Asia-Pacific States, I am pleased to express my belief that in tackling such challenges as the degradation of the marine environment and the overexploitation of resources, the prominent role that the Convention has played to date will continue to grow for another 30 years to come.

The Acting President: I give the floor to the representative of Georgia, who will speak on behalf of the Group of Eastern European States.

Mr. Makharoblishvili (Georgia): It is my honour to speak on behalf of the Group of Eastern European States on the occasion of commemorating the thirtieth

anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea.

Exactly 30 years ago in Montego Bay, Jamaica, the Convention, which is now rightly referred to as the constitution of the oceans, was opened for signature. With the vast number of legal provisions governing all aspects of the ocean area and marine issues, ranging from navigational rights, maritime limits and marine scientific research to marine environmental protection and dispute settlement, the Convention stands as the symbol of unprecedented efforts to codify and to advance international law.

The historic third United Nations Conference on the Law of the Sea, which lasted for nine years, was extraordinary in terms of both its content and its procedure. In addition to providing a basic legal framework for issues pertinent to its parties, in many aspects the Convention reflects customary international law. The concepts of the territorial sea, contiguous zone, exclusive economic zone and continental shelf, as well as the provisions concerning marine scientific research and the protection and preservation of the marine environment, in addition to other issues, have become indispensable to cooperation among modern States.

On this solemn occasion, we pay homage to the late Ambassador of Malta, Mr. Arvid Pardo. His landmark speech in 1967, wherein he introduced the concept of the common heritage of humankind with regard to the mineral resources of the seabed, paved the way for a common approach to those resources beyond the limits of national jurisdiction and for the further development of key principles in the area. His outstanding contribution to that end will always be cherished.

The strong institutional framework established by the Convention, together with its three main bodies, the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf, is of paramount importance in ensuring the adjudication of disputes arising out of the interpretation and application of the Convention, in organizing and controlling activities in the area that shall be carried out for the benefit of humankind as a whole, and in considering claims concerning the outer limits of the continental shelf where those limits extend beyond 200 miles.

With 164 parties, the Convention on the Law of the Sea has already achieved a universal and unified

character. At the same time, we hope that States that have not yet done so will become parties to the Convention and its implementing agreements in order to achieve the goal of universal participation. We urge all parties to fully implement their obligations under the Convention.

We stress the need for enhanced security in the world's oceans and off its coasts. We remain concerned about transnational organized crimes committed at sea, including piracy and armed robbery, as well as the issue of impunity for the perpetrators of such acts.

The Convention has enormous significance in terms of advancing sustainable development. During the past 30 years much has been achieved to that end. However, we remain mindful that more needs to be done in order to ensure the conservation and sustainable use of the oceans and seas and of their resources for sustainable development. The health of oceans and the maintenance of marine biodiversity are negatively affected by, inter alia, marine pollution. In that regard, we welcome the "Oceans Compact: Healthy Oceans for Prosperity" initiative launched by the Secretary-General.

The preservation and management of fish stocks remains of the utmost importance. To ensure sustainable fisheries, we need to be guided by the precautionary and ecosystem approaches to the conservation, management and exploitation of fish stocks. We should work to that end within the relevant regional fisheries management organizations. We should enhance our efforts to address current challenges, such as illegal, unreported or unregulated fishing, the lack of protection of the world's deep waters, including the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, threats posed by ocean acidification and the need for international agreement on the proposed moratorium on shark finning. Stronger cooperation and further capacity-building are paramount to sustaining and maintaining the limited resources of the oceans and seas.

Finally, let me conclude by reiterating that our Group remains committed to the Convention on the Law of the Sea and welcomes the pre-eminent contribution provided by the Convention to the strengthening of peace, security, cooperation and friendly relations among nations and the sustainable development of oceans and seas.

The Acting President: I give the floor to the representative of Canada, who will speak on behalf of the Group of Western European and other States.

Mr. Rishchynski (Canada): I have the honour, and am personally delighted, to speak on behalf of States members of the Group of Western European and other States. We are here to mark the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea (UNCLOS) on 10 December 1982 in Montego Bay, Jamaica, at the conclusion of the third United Nations Conference on the Law of the Sea. The Conference was an enormous and highly complex endeavour, and the Convention is the culmination of many years of effort by more than 150 States. Today, we especially recognize the crucial role played by Ambassador Arvid Pardo of Malta and, in particular, the visionary speech that he delivered on 1 November 1967.

The Convention is exceptional owing to its scope and the comprehensiveness of the legal regime that it establishes for the use of the world's oceans and seas. The Convention provides a framework for many aspects of ocean governance, ranging from navigation to marine pollution and from dispute settlement to the management of living and non-living marine resources.

Of particular note is the Convention's successful blend of zonal and functional approaches, its balance of rights and obligations and its gathering of coastal States, flag States and landlocked States under one overarching instrument. That was achieved by recognizing that, like the oceans themselves, ocean issues are interrelated. Of enduring and fundamental importance is the system of maritime zones established by the Convention, with distinctive legal features. In that regard, I note that the creation of the exclusive economic zone clarified the scope of the rights and the jurisdiction of coastal States under international law.

(spoke in French)

Those are only some of the crucial aspects of the Convention's indisputable contribution to peace, security and the rule of law. In that regard, we also note the significant contribution of the International Tribunal for the Law of the Sea, together with the International Court of Justice, to the peaceful settlement of disputes concerning the law of the sea and the contribution of the Commission on the Limits of the Continental Shelf to a methodical approach to defining the relationship between the continental shelf and the area. The work of

those bodies, such as that of the International Seabed Authority, promotes predictability and clarity in marine areas and helps maintain a stable world order.

The Convention has also helped to better focus the efforts of existing international organizations, such as the International Maritime Organization (IMO), and to give them new impetus. In accordance with the principles set out in the Convention, the IMO has since focused on, among other issues, waste disposal, ballast water and invasive species. It has also applied its specialized skills in order to improve maritime security and navigation standards. That is an essential task owing to the importance of maritime transport to our global prosperity.

(spoke in English)

While we can be proud of the achievements of Montego Bay, the intervening years have demonstrated that the full and effective implementation of the Convention has not yet been achieved and that we still have work ahead of us. For example, as evidence of illegal, unreported and unregulated fishing shows, we must do a better job as flag States to complement actions taken by coastal and port States. The preservation and protection of the marine environment will undoubtedly figure as one of the main priorities for many years to come.

We must also support the efforts of institutions to better coordinate in accordance with their respective mandates given by Member States. Given the broad-based, wide-ranging and interconnected nature of ocean activities, coordination is needed not only at the international level but also at the bilateral and regional levels. Better integration among a wide range of actors constitutes a valuable objective to advance the collective oceans governance agenda.

(spoke in French)

Over the next 30 years and beyond, it is inevitable that we will have to meet other challenges. We remain hopeful nonetheless that, given the importance of what is at stake, we will find a consensus on how best to address those challenges and how to protect the oceans for the benefit of future generations.

(spoke in English)

In conclusion, with the goal of universal participation in sight, we call on States that have not

yet done so to become parties to UNCLOS as soon as possible.

The Acting President: I give the floor to the representative of the United States of America, who will speak on behalf of the host country.

Mrs. DiCarlo (United States of America): On behalf of the host country, I have the honour to help commemorate the thirtieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea. The Convention sets forth a comprehensive legal framework governing the use of the oceans. The world has benefited greatly from the adoption and entry into force of the Convention, and the United States continues to support the balance of interests reflected in that remarkable agreement.

It is worth recalling the time before the 1982 Convention, when there were fundamental questions about States' rights and obligations with respect to the oceans. The Convention on the Law of the Sea resolved those questions. For example, it established for the first time the maximum breadth of the territorial sea. In addition, it provided for exclusive jurisdiction of coastal States over economic activities out to 200 miles from shore, and it set forth a procedure to maximize legal certainty regarding the extent of the continental shelf.

Together with the 1994 Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, 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, the Convention provides public order in the world's oceans. It codifies critical provisions of freedom of navigation, including those relating to transit and innocent passage, which enable vessels to transit the entire maritime domain, thus ensuring the mobility on which our international trade and global economy depend. It is the foundation on which rules for sustainable international fisheries are based, and it provides the legal framework for exploring and exploiting mineral resources on and beneath the seabed beyond areas of national jurisdiction.

Today, the Convention's institutions are up and running. The Commission on the Limits of the Continental Shelf has received over 60 submissions and is making significant progress in providing

recommendations to coastal States. The International Seabed Authority has developed regulations on deep seabed mineral exploration and has issued contracts for such exploration. The International Tribunal for the Law of the Sea serves as an important forum for the peaceful resolution of disputes.

Of course, we continue to face many challenges in and on the oceans, including those related to illegal, unreported and unregulated fishing, destructive fishing practices, pollution, acidification, conservation, sustainable uses of maritime resources, and maritime security. But we are confident that those challenges can and will be addressed on the basis of the Convention's framework.

I wish to reaffirm President Obama's strong support for the accession of the United States to the Convention on the Law of the Sea and to confirm that Secretary Clinton has made the treaty a priority. We continue to regard much of the Convention as reflective of customary international law, but also fully recognize the security and economic benefits of becoming a party.

To conclude, it gives me great pleasure to celebrate the thirtieth anniversary of the opening for signature of the Convention on the Law of the Sea, a historic event in international maritime law.

The Acting President: I call on the representative of Monaco, who will speak in her capacity as President of the twenty-second Meeting of States Parties to the United Nations Convention on the Law of the Sea.

Ms. Picco (Monaco), President of the twenty-second Meeting of States Parties to the United Nations Convention on the Law of the Sea (*spoke in French*): I have the honour to address the Assembly on the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea in my capacity as President of the twenty-second Meeting of States Parties to the Convention.

With today's plenary meeting of the General Assembly, we celebrate with due recognition a foundational legal instrument for the law of the sea and international law. On 8 June 2012, World Ocean Day, the twenty-second Meeting of States Parties adopted the Declaration on the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. It bears stressing that all parties were represented at the twenty-second meeting.

By that act, the Meeting of States Parties recognized the historic importance of the Convention as a notable contribution to peacekeeping, justice and the progress of all the world's people. The Declaration also recalls the decisive role played by Arvid Pardo, Ambassador of Malta, and pays homage to the negotiators of the Convention, who came from a wide range of States to participate in the third United Nations Convention on the Law of the Sea, and to all those who contributed to its adoption and entry into force, and who worked for its universality. Through the Declaration, the Meeting of the States Parties welcomes the progress made by the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — the three organs established by the Convention.

Starting with the 60 States parties at the first Meeting of States Parties in 1994, the Convention today counts 164 parties from every region of the world, including 163 States and the European Union. Over the years and through successive Presidents, each Meeting has worked to build the institutional structure of the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf by providing them with the resources to implement their respective mandates. Each of those bodies is contributing effectively and harmoniously to implementing the provisions of the Convention.

Ms. Flores (Honduras), Vice-President, took the Chair.

The International Seabed Authority, whose primary function is to manage the mineral resources of the seabed, which constitute a common heritage of humankind, has seen a large increase in its activities and has issued 17 active exploratory contracts in that area to date. On 14 March, the Tribunal, which is seized of 19 cases, rendered its first judgement on maritime delimitation. The Commission on the Limits of the Continental Shelf has received 61 requests with respect to setting the outer limits of the continental shelf, and the Meetings of States Parties are devoting the closest attention to their increasing workload.

The representatives of Fiji, Argentina, Austria, Senegal, Slovakia, Papua New Guinea, Chile, New Zealand, Poland, Sierra Leone, Cyprus, Jamaica, Ukraine, Mauritius, Indonesia and Saint Vincent and the Grenadines all had the honour of holding this post

before the Principality of Monaco, beginning with the entry into force of the Convention on 16 November 1994.

Be they from coastal or landlocked States, citizens throughout the world have always turned to the sea and its resources, which are inextricably linked to the development of humankind. The Convention, which defines the legal framework for all activities involving the oceans and the sea, is an indispensable tool for the sustainable social and economic progress of all the world's peoples.

The Meeting of States Parties and the Commission on the Limits of the Continental Shelf know that they can count on the skills and commitment of professionals from the Division of Ocean Affairs and the Law of the Sea and the Office of Legal Affairs. From this rostrum, I therefore express my sincere thanks not only to those who are working there today, but to all those who have contributed to the success of the Meetings of States Parties, as well as Secretary-General Ban Ki-Moon, depositary of the Convention, and his predecessors.

Let us continue to endorse the words of the President of the third United Nations Conference on the Law of the Sea, Ambassador Tommy Koh of Singapore, who, on 10 September 1982, said,

“Today we are celebrating the victory of the rule of law and the principle of the peaceful settlement of disputes. We are celebrating human solidarity and the reality of the interdependence between nations, which is symbolized by the United Nations Convention on the Law of the Sea.”

The Acting President (*spoke in Spanish*): I now give the floor to Mr. Milan Mehtarban, President of the Assembly of the International Seabed Authority.

Mr. Mehtarban (International Seabed Authority): I have the honour to address this meeting celebrating the thirtieth anniversary of the United Nations Convention on the Law of the Sea (UNCLOS) as President of the Assembly of the International Seabed Authority (ISA). It is apt that we use the term “celebrate” and not merely “commemorate”, as there is much to celebrate about the adoption of UNCLOS.

The 1982 Convention was acclaimed as a new constitution for the oceans. Not only did it provide a new international legal order for the oceans, but it was in fact one of the milestones in the establishment of a new international economic order. It was also a

milestone in the history of economic cooperation. The Secretary-General of that time, Mr. Javier Pérez de Cuéllar, said, following the adoption of the Convention, that international law had been irrevocably transformed. On behalf of the Assembly of the International Seabed Authority, I want to pay tribute to all those who worked so hard to ensure a successful outcome for the third United Nations Conference on the Law of the Sea and the adoption of UNCLOS 30 years ago.

Though the Convention codified some of the customary rules of international law, it also contained many new substantive revisions on the governance of the oceans. The negotiations leading to the adoption of UNCLOS will be remembered not only for a number of innovative, substantive provisions, but also for a number of procedural innovations, which enabled the reconstituted international community that emerged from the wave of decolonization in the 1950s and 1960s to work together on a new international order for the oceans. The manner in which the package-deal concept and the search for consensus influenced the course of negotiations and the ultimate outcome of the negotiations was unprecedented in multilateral diplomacy procedures. Gathering in New York to celebrate the anniversary of the Convention, we cannot but celebrate in particular the adoption in an international treaty of the concept of the common heritage of mankind and the establishment of its appurtenant legal regime and implementing agency.

Article 136 of the Convention will remain one of the landmarks of legal drafting of international instruments by virtue of its simplicity, as well as its unambiguous affirmation of a commitment to international cooperation and equity. Article 136 simply states that the Area and its resources are the common heritage of mankind — the Area, of course, having been defined as the seabed and ocean floor and subsoil thereof beyond the limits of national jurisdiction. In one simple, short, yet unequivocal and profoundly meaningful sentence, the international community had changed forever the governance of the oceans and, indeed, the international legal order itself. The concept of the common heritage of humankind was not new, but for the first time an international treaty had recognized its application to the oceans and also provided for the international mechanism to operationalize the concept. Paragraph 2 of article 137 of the Convention provides that all rights to the resources of the Area are vested in mankind as a whole, on whose behalf the Authority shall act.

The Convention specifically lays down the principle that activities in the Area shall be carried out for the benefit of humankind as a whole, and requires the Authority to provide appropriate mechanisms for the equitable sharing of financial and other economic benefits derived from activities in the Area. In doing so, the Convention also outlaws the exercise of sovereignty or sovereign rights over any part of the Area or its resources and the appropriation of any part of the Area by any State or natural or juridical person.

The concept of the common heritage of humankind and its operationalization with regard to the oceans is one of the most significant intellectual advantages of the twentieth century. Thirty years after this giant step for humankind, the International Seabed Authority, which is charged with overseeing the implementation of this new international regime, has accomplished significant progress, with the commitment of the States parties and under the leadership of its successive Secretaries-General.

There are so many firsts associated with UNCLOS that we cannot fail to mention that the establishment of the International Seabed Authority and the nature of the functions given to the Authority were also firsts in international relations. International organizations that had been conferred with regulatory, supervisory or technical functions since the end of the nineteenth century were set up largely to exercise those functions in relation to existing activities. That was the case, for instance, in the fields of post and telecommunications, health, agriculture and civil aviation.

The ISA, however, was set up to operate in a non-existent domain, which was itself being created by a treaty. The fact that the ISA was being given both regulatory and commercial functions was also unusual for an intergovernmental organization. To date, there are 12 contractors with licences issued by the Authority, which cover three types of deep-sea mineral resources. An endowment fund has been set up to enable young scientists from developing countries to get involved in deep-sea research. Several universities and other institutions worldwide support that programme.

The full realization of the objectives of the international regime put in place by the Convention still has to cope with legal, technological, commercial and sometimes ideological challenges. However, the Convention remains a great monument to the goodwill,

ingenuity and dedication of some great men and women and the political will that States can achieve.

Before I conclude, I have to say a word about environmental protection and conservation. Meeting as we are only six months after the United Nations Conference on Sustainable Development (Rio+20), we have to remind ourselves that although the obligations with respect to the environment and conservation were already established in the Convention, the Rio+20 outcome document (resolution 66/288, annex) expressed concerns about the health of our oceans and called for the sustainable development of our marine resources. As the world gets ready to begin mining operations on the seabed, which could be of a nature and on a scale never before witnessed in the history of our planet, let us all renew our pledge to adopt the measures necessary to ensure the effective protection of the marine environment from the potential effects of activities being conducted under the provisions of the Convention for the benefit of humankind.

As we celebrate the thirtieth anniversary of the Convention, the international community is about to embark on a great new venture — some would say adventure — and the United Nations made it possible. Let us hope that all nations will make of this venture an exemplar of international cooperation for peace and prosperity. The manner in which agreement was reached on UNCLOS and the framework for the governance of the Area beyond national jurisdiction laid down in the Convention can inform the discussions on matters where a new or enhanced international order would be in the interests of present and future generations.

The Acting President (*spoke in Spanish*): I now give the floor to Mr. Nii Odunton, Secretary-General of the International Seabed Authority.

Mr. Odunton (International Seabed Authority): Thirty years ago, when the United Nations Convention on the Law of the Sea (UNCLOS) was opened for signature in Montego Bay, Jamaica, there was reason to doubt whether the International Seabed Authority would ever come into existence. The industrialized States had made it clear that Part XI of the Convention, which establishes the Authority and sets out the legal framework for deep seabed mining, was unacceptable to them and that they would not ratify the Convention for that reason. Notwithstanding the fact that on 10 December 1982 the Convention was signed by 119 delegations, there was considerable uncertainty as to

when, if ever, the Convention would receive the 60 ratifications necessary to bring it into force.

Fortunately, the decision was made, in the context of the Final Act of the Third Conference on the Law of the Sea (A/CONF.62/121), to establish a Preparatory Commission for the International Seabed Authority and the International Tribunal for the Law of the Sea in order to continue to engage Member States in discussions aimed at resolving the problems with Part XI in order to allow the Convention to enter into force. The decision was also taken to adopt, as part of the Final Act, resolution II, which enabled those States and entities that wished to make preparatory investments in deep seabed mining to protect those investments in a manner compatible with the regime established by Part XI.

As we know, it took almost 10 years until political and economic circumstances were sufficiently conducive to engage key States in negotiations on a legal mechanism that would allow adjustments to be made to Part XI. As a result of the informal consultations held under the auspices of the Secretary-General between 1991 and 1994, the General Assembly adopted in July 1994 the Agreement relating to the implementation of Part XI (resolution 48/263). The Agreement made it possible for nearly all of the States that had objected to Part XI in 1982 to signify their intention to ratify or accede to the Convention, which duly entered into force in November 1994. The Authority was established at its seat in Kingston, Jamaica, at the same time. Since then, the number of States parties to the Convention, and thus members of the Authority, has almost trebled to 164, including the European Union. That is a tremendous achievement by any standard and represents near-universal acceptance of the Convention and the principles contained therein.

As we celebrate 30 years of the Convention, we also celebrate 18 years of the existence of the International Seabed Authority. As my contribution to this special commemoration of the thirtieth anniversary of the opening for signature of the Convention, I wish to offer a comment on the three major achievements of the Authority since the entry into force of the Convention. Although the implementation of Part XI has not taken place in a way that could have been foreseen in 1982, I wish to suggest that the international community has made significant advances in implementing the common heritage principle that lies at the core of Part XI of the Convention.

The first achievement of the Authority was to resolve the institutional issues necessary to ensure its independent functioning as an international organization. This took several years. Indeed, the Authority did not begin to function as an autonomous organization until 1997, three years after the entry into force of the Convention. A great deal of work and much goodwill on the part of all Member States were needed in order to agree on essential matters such as a headquarters agreement with the Government of Jamaica, a protocol on privileges and immunities, a relationship agreement with the United Nations, staff rules and regulations, and a framework for an administrative budget funded by Member State contributions reflecting the evolutionary approach to the functioning of the Authority called for in the 1994 Agreement.

During this period also, the General Assembly took the decision to accord observer status to the Authority and the Tribunal, and on the nature of the relationship between the Authority and the Meeting of States Parties to the Convention. All those matters involved difficult decisions, the consequences of which will last far into the future. Those decisions could not have been taken without the consistent cooperation and good will of Member States, for which I am grateful.

The second achievement, and the first major milestone in the life of the Authority as an autonomous organization, was the conversion of all the claims to exploration sites registered under resolution II into legally binding contracts of limited duration, in accordance with the Convention and the 1994 Agreement. That was achieved through the adoption in 2000 of regulations governing exploration for polymetallic nodules, which also included standard terms of contracts. The significance of that act as far as the common heritage principle is concerned cannot be overstated. It not only brought the pioneer regime to a definitive end, but also brought all existing seabed-mining interests into the single legal regime established by the Convention and the 1994 Agreement.

Since the adoption of the first set of exploration regulations dealing with polymetallic nodules, the Council of the Authority has also adopted regulations governing prospecting and exploration for polymetallic sulphides and cobalt-rich crusts. That has opened the door for claims to be made in respect of resources other than polymetallic nodules, which had been the only subject of discussion during the third Conference.

As a result of this regulatory activity, the Authority has now approved a total of 17 active exploration contracts. Nine of those contracts were approved in 2011 and 2012, which represents a dramatic and exponential increase of interest in the resources of the deep seabed. The exploration area covered by these contracts is more than 1 million square kilometres. Contracts have been approved in the Pacific, Indian and Atlantic Oceans. Contractors include States parties, State enterprises sponsored by States parties, and private-sector interests sponsored by States parties. Sponsoring States include not only the developed, industrialized States, but also developing States taking advantage of the provisions of Part XI that were designed to allow them equal access to seabed resources.

I wish to acknowledge the role of the other institutions established under the Convention in that expansion of activity. One of the factors that has certainly contributed to the expansion of licensing activity was the advisory opinion of the Seabed Disputes Chamber on matters relating to the *Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the in the Area*, issued in 2011. That prompt and decisive action by the Chamber not only assisted greatly in clarifying the law, but also demonstrated that the system provided for in the Convention and the 1994 Agreement relating to the implementation of Part XI of the Convention was responsive, credible and accessible.

The third major achievement of the Authority has been to fulfil its mandate to protect the marine environment from the harmful effects of seabed mining. While the basic obligation on all States to protect the marine environment is contained in the Convention, the obligation was elaborated further and given added emphasis in the context of the 1994 Agreement.

In the development of the regulatory regime since 1994, States have repeatedly emphasized the need for the Authority to apply a precautionary approach to activities in the Area. That is very much reflected in the step-by-step approach taken in the environmental rules adopted by the Authority. The basic scheme of the Authority's regulatory system is to require exploration contractors to gather environmental data as their activities progress and to make such data available for scrutiny by the Legal and Technical Commission of the Authority. The data so collected can then be used as the basis for making informed decisions on future

environmental regulation, including environmental impact assessments.

The Authority has also contributed to the development of better scientific knowledge of the deep-sea environment through its international workshops and the sharing of data, which have enabled scientists from both developed and developing countries to share and exchange information.

An important achievement in 2012 was a decision by the Council of the Authority to recognize the designation of nine representative areas in the nodule-bearing province of the Pacific Ocean, covering 1.6 million square kilometres, as areas of particular environmental interest where no activity should take place

I believe that those achievements demonstrate that, despite the initial problems with Part XI and an overdue gestation for the Convention as a whole, the international machinery to administer the resources of the Area, which are the common heritage of humankind, is functioning well.

The international community has succeeded in establishing a comprehensive legal regime for the Area, under which the Area is reserved exclusively for peaceful purposes, and which is linked to a coherent management regime through international machinery established for that purpose. The legal regime has been almost universally accepted by States, and there can no longer be any doubt as to the validity of claims made to areas of the seabed under the single legal regime established by the Convention and the 1994 Agreement.

The Authority has made good progress, on the basis of the evolutionary approach set out in the 1994 Agreement, in elaborating a regulatory regime for access to the resources of the Area that emphasizes the precautionary approach and the need for ecosystem-based management of the resources of the Area.

Immense challenges remain for the future. Notwithstanding the advances that have been made, no commercial mining has yet taken place and no financial benefits have accrued from the Area. The very developing countries that were supposed to benefit from Part XI have, in fact, been expected to share in financing the Authority.

Eighteen years after its establishment, the budget of the Authority is still funded through assessed contributions of member States, using the same scale

of assessments as in the United Nations, even though the Convention envisaged that system would be an interim arrangement, applicable until such time as the Authority was able to generate revenue of its own from activities in the Area.

Much more work remains to be done if the economic benefits of the common heritage are to be realized. It is essential that the Authority move expeditiously to begin to develop a coherent and commercially viable code for the exploitation of marine mineral resources. The regime must be viable in the sense that it must offer appropriate commercial incentives to investors to begin to exploit the mineral resources of the Area, but it must also be fair and equitable to all States. The Authority must also be provided with the resources and facilities to administer the resources of the Area in an efficient and effective manner.

The good news is that the Council of the Authority has taken a decision to commence work on an exploitation code in 2013. While that will inevitably take several years and raise many controversial and difficult issues, I feel confident that the goodwill and cooperative spirit that has prevailed since 1994 will continue to prevail and that the next 30 years will bring about the realization of the common heritage of humankind.

The Acting President (*spoke in Spanish*): I now give the floor to His Excellency Mr. Shunji Yanai, President of the International Tribunal for the Law of the Sea.

Mr. Yanai (International Tribunal for the Law of the Sea) (*spoke in French*): On behalf of the International Tribunal for the Law of the Sea, I wish to say how honoured I am to be able to address the General Assembly and at the same time to celebrate the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea (UNCLOS).

The adoption of the Convention was one of the pivotal moments in the development of international law. From the very beginning, the instrument, whose preamble states that it establishes “a legal order for the seas and oceans”, was regarded as a constitution for the oceans. It sets out existing law and defines the rules applicable to new domains, in particular in Part V, on the exclusive economic zone, and Part XI, on the Area, meaning, as set out in article 1 of the Convention, “the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction”. The text establishes a

comprehensive legal framework regulating the most important resource on the planet.

The International Tribunal for the Law of the Sea plays a key role in Part XV, on the settlement of disputes. A guiding notion of the third United Nations Conference on the Law of the Sea was the recognition that effective means for settling disputes had to be established if the Convention were to be applied effectively.

The Tribunal enjoys an innovative *ratione personae* jurisdiction, in that States parties are not the only entities authorized to appear before it. Entities other than State parties, such as international organizations, also may appear. For example, the European Union was a party in a dispute brought before an ad hoc special chamber of the Tribunal in the case concerning the *Conservation and sustainable exploitation of swordfish stocks in the South-Eastern Pacific Ocean* (Chile /European Union). The Tribunal’s Seabed Disputes Chamber is also open to entities other than States parties, for example the International Seabed Authority and natural or legal persons.

The Tribunal began its work in 1996. In its 16 years of existence, 20 cases have come before it, covering a broad spectrum of legal questions — urgent proceedings; activities at sea, such as navigation and fisheries; and the delimitation of maritime areas.

Article 287 of the Convention incorporates an ingenious mechanism devised by the negotiators as a compromise. Under that provision, a State party may accept, by means of a declaration, one or more of the following means for the settlement of disputes concerning the interpretation or application of the Convention — the International Tribunal for the Law of the Sea; the International Court of Justice; an arbitral tribunal constituted in accordance with Annex VII; or a special arbitral tribunal constituted in accordance with Annex VIII. If no choice is made or if there is no agreement between the choices, arbitration will be the compulsory means of settlement. As of 1 December, 47 States had made declarations of that type, 34 of them having opted for the Tribunal as a means of settlement. It is my hope that States will take the opportunity afforded by today’s celebration of the thirtieth anniversary of the opening for signature of the Convention to make such declarations.

The option given to States to choose one or more international courts or tribunals has sometimes given rise to fears of a fragmentation of international law or

of conflicting judgements being delivered by different international courts and tribunals. That concern has proved to be unfounded. The Tribunal has regularly referred to judgments of the International Court of Justice and its predecessor, the Permanent Court of International Justice, and to decisions by other courts and tribunals.

Adjudication by the Tribunal can play an important role in maintaining peace, which is one of the primary objectives of the Convention. In particular, by taking an impartial decision on the grievances underlying a dispute, it can defuse international tensions. For example, when the Tribunal delivered its judgment in *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal* (Bangladesh/Myanmar), on 14 March, it put to rest a complex delimitation dispute that had divided the parties for more than three decades. The judgment was welcomed by the parties, which can now exploit the natural resources in their respective maritime areas. Furthermore, if States are in dispute, they may also avail themselves of advisory proceedings in order to obtain from the Tribunal an opinion on a point of law on which they disagree, and that can help in formulating a diplomatic solution.

It should be noted that urgent proceedings enable the Tribunal to deal with certain cases very quickly — in about one month from the submission of the request or application to the decision. Such proceedings take two forms — provisional measures and the prompt release of vessels and crews. Those proceedings have seen a degree of success, which bears witness to their usefulness and the wisdom shown by the negotiators of the Convention who established them.

The International Tribunal for the Law of the Sea is busier than ever. The quality of our decisions and the general confidence inspired by the outcomes of our cases are a product of the collegial character of our work. Through that approach we can strive to meet the expectations of States that turn to us to find a solution to their disputes as quickly as possible. The Tribunal must respond to the needs of the international community. The Tribunal must also maintain its commitment to the quality and efficiency of its work. By carefully balancing continuity and change, the Tribunal will continue to be the benchmark in the settlement of disputes relating to the seas and oceans. That is the challenge we will have to meet over the coming years.

The Acting President (*spoke in Spanish*): I now give the floor to Mr. Lawrence Awosika, Chairman of the Commission on the Limits of the Continental Shelf.

Mr. Awosika (Commission on the Limits of the Continental Shelf): I have the honour of making this statement on behalf of the Commission on the Limits of the Continental Shelf. I would like to express my gratitude to Member States for the invitation extended to the Commission to address the General Assembly during today's commemoration of the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea (UNCLOS).

The Commission is one of the three institutions set up under the Convention. Its functions are twofold — first, to consider submissions made by coastal States and to make recommendations in accordance with article 76 and the Statement of Understanding adopted on 29 August 1980 by the third United Nations Conference on the Law of the Sea; and, secondly, to provide scientific and technical advice.

As the Assembly is aware, the Commission consists of 21 members, who are experts in the fields of geology, geophysics or hydrography and who are elected by States parties from among their nationals, with due regard given to the need to ensure equitable geographical representation. The members of the Commission serve in their personal capacity. They are elected for a term of five years and may be re-elected.

The Commission came into being following the election of the first 21 members by the sixth Meeting of the States Parties, in 1997. Since then, three more elections have taken place — in 2002, 2007 and, most recently, in June 2012, at the twenty-second Meeting of States Parties. It will be recalled that the twenty-second Meeting elected only 20 members and requested that the election for the remaining vacant seat, allocated to the Eastern European States, be postponed to a later date. As the Assembly may be aware, that election will be held in a little more than a week, on 19 December.

The initial work of the Commission focused on developing two of its most important documents. In September 1997, the Commission adopted its rules of procedure, including the *modus operandi*. In May 1999, it adopted the Scientific and Technical Guidelines to assist coastal States in the preparation of their submissions to the Commission. Subsequently, the Commission immersed itself in the consideration of submissions by coastal States. To date, the Commission

has adopted 18 recommendations, at a pace that has increased in recent years.

Both the vision enshrined in the Convention and the work of the Commission are unique. The Convention established that, in order to assert sovereign rights and jurisdiction over a maritime zone, States had to make use of a procedural mechanism. That was a first in international relations. By doing so, the Convention, on the one hand, confirmed the unilateral nature of the establishment of maritime zones by coastal States. On the other hand, the Convention, through the Commission, introduced a process that provided a sound scientific base for evaluating the territorial aspirations of coastal States to jurisdiction over vast submerged areas. However, the drafters of the Convention could work only with the information and knowledge available at the time and had no way of anticipating the monumental scale of the work that the Commission would face decades after the entry into force of UNCLOS.

First, they expected that about 30 coastal States might have a continental shelf extending beyond 200 nautical miles. However, 61 submissions have been received by the Commission so far. In addition, States have deposited 45 preliminary information notes indicating an intention to make a submission at a later stage. To those figures one should add the submissions that will be made by States that have become parties to the Convention in the past 10 years, and those by States that may become parties in the future. The number of submissions may therefore rise well beyond the 100 mark, a figure that would no doubt have surprised those who participated in the third United Nations Conference on the Law of the Sea.

Secondly, the scientific understanding of the sea floor and the subsurface has progressed by leaps and bounds. Today's knowledge of geology, geophysics, geomorphology and hydrography has shown us the real face of the structure of the earth beneath the oceans — a very different one from that which the negotiators of the Convention had in mind when they devised legal concepts such as the foot of the continental slope, submarine elevations, submarine ridges, and so on.

Thirdly, the drafters of the Convention could not have anticipated the sheer volume of the data collected to document the configuration of the continental shelf that would ultimately be included in submissions to the Commission. Some submissions are accompanied

by documentation weighing several hundred kilograms and containing many terabytes of data and information.

All of those factors inevitably became visible to the international community in a dramatic way in mid-2009, when the 10-year period for making submissions to the Commission expired for many States parties to the Convention. The number of submissions received by the Commission more than tripled in a few months, from 16 at the end of 2008 to 51 in June 2009. That resulted in an unprecedented increase in the workload of the Commission.

The Commission has brought the issue of the projected increase of its workload to the attention of the Meeting of the States Parties on numerous occasions. Ultimately, after a lengthy process, the twentieth Meeting of the States Parties, in June, recommended to the Commission to consider, in coordination with the secretariat, meeting for up to 26 weeks, but not less than an intended minimum of 21 weeks a year, for a period of five years. At its thirtieth session, in August, the newly elected Commission, after considering that recommendation by the Meeting of States Parties, decided that in 2013 it would hold three sessions of seven weeks each, including plenary meetings, for a total of 21 weeks. In addition, the Commission decided to adopt a new working arrangement so that there would be six subcommissions actively considering submissions at any given time. Those new working arrangements are an attempt to manage the workload of the Commission but may not constitute a permanent solution to its continuously growing workload. An increased work period in New York highlights the need for consistent financial and other support for members of the Commission and a properly resourced secretariat, something that the drafters of the Convention might have considered had they known the scale of the Commission's work.

Many States will remain in the uncomfortable position of having to wait for a long time before their submission comes up for consideration, even under the Commission's new working arrangements. During that time they will have to maintain the expertise developed in the course of the preparation of their submissions. That is of concern to many States in view of the large sums of money and significant human resources they have had to invest in order to collect and interpret data and to develop their submissions. Their eagerness to undertake the exploration and exploitation of

natural resources located on the continental shelf is understandable.

Let me conclude my remarks by noting that, despite the differences between the scenarios that the drafters of the Convention had in mind and the realities that the Commission has been faced with, the design behind the Convention is as central today as it was during the years of the third United Nations Conference on the Law of the Sea.

The United Nations Convention on the Law of the Sea has given States the opportunity to extend their sovereign rights and jurisdiction to larger maritime areas without conflict, thereby making the oceans a peaceful medium for sustainable development. Many may forget that some coastal States have had the opportunity to expand the areas under their jurisdiction dramatically, in one case by up to two times the size of the mainland, in another instance up to 2.5 million square miles. At the end of its work, the Commission will have been part of the largest aggregate expansion of territorial rights in history.

Just like the drafters of the Convention, who had no way of assessing the scale of the work of the Commission in the 1970s and the 1980s, today we have no way of anticipating the scale of human activities that will take place under the oceans in the future. But we can safely assume that it will dramatically impact the wealth of States.

In addition, submitting States, in the course of the collection of information necessary to prepare their submissions, have, and will continue to have, the opportunity to vastly expand their understanding of the resources that lie in the areas that may fall under their jurisdiction. That is another great achievement of the vision of the drafters of the Convention.

The Commission on the Limits of the Continental Shelf feels honoured to continue assisting States in the process of expanding the maritime areas under their sovereign rights and jurisdiction.

Lastly, on behalf of the Commission, I wish to thank the Division for Ocean Affairs and the Law of the Sea for the assistance it has provided the Commission while serving as its secretariat. The United Nations Convention on the Law of the Sea is a legal framework that is here to stay, and it is to be applauded.

On the occasion of the thirtieth anniversary of the Convention, I am pleased to reiterate that the

Commission is proud of the contribution it is making to bring sound scientific and technical interpretation to the application of the provisions of the Convention relating to the outer limits of the continental shelf beyond 200 nautical miles.

The Acting President (*spoke in Spanish*): I should like to consult members in relation to the list of speakers for today's meeting. Pursuant to resolution 67/5, today's commemoration is being held in accordance with the format established in that resolution. However, I would like to inform members that His Excellency Mr. Peter Tomka, President of the International Court of Justice, is unable to join us for today's commemoration owing to his official duties at the Court. He has designated Judge Christopher Greenwood, a member of the International Court of Justice, to deliver a statement on his behalf.

Unless I hear any objection, I shall take it that it is the wish of the General Assembly to invite Judge Greenwood to make a statement at today's meeting.

It was so decided.

The Acting President (*spoke in Spanish*): I now give the floor to Judge Greenwood.

Judge Greenwood (International Court of Justice): It is both a privilege and a pleasure to take part in this meeting of the General Assembly to mark the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. I do so on behalf of the International Court of Justice and of President Peter Tomka, who has asked me to express his regret that he is unable to be here today. His absence is due to the fact that he is presiding over the hearings in the case concerning the *Maritime dispute between Peru and Chile*. The case is the second maritime dispute to be heard by the Court this year, and the thirteenth occasion on which the Court has been called upon to determine questions of maritime boundaries — a fact that bears witness to the importance of the relationship between the International Court of Justice and the law of the sea.

The International Court of Justice thanks the General Assembly, its President and the Secretary-General for having kindly invited the Court, as the principal judicial organ of the United Nations, to be represented at today's celebration. As Ambassador Mehtarbhan has said, there is much to celebrate today. The United Nations Convention on the Law of the Sea is without doubt one of the most important international

conventions ever adopted. It has created a legal order of the oceans that has made possible a reconciliation of the different interests of States and the establishment of the common heritage of humankind.

On this happy anniversary, the International Court of Justice wishes to express its congratulations to all those who served as officers of the third United Nations Conference on the Law of the Sea or who otherwise contributed untiringly to the conclusion of the Convention and its adoption. It is a particular pleasure to join in the tribute to the visionary approach of Ambassador Arvid Pardo of Malta and the hard work of Ambassador Hamilton Shirley Amerasinghe of Sri Lanka and Ambassador Tommy Koh of Singapore, which did so much to make that vision a reality. Coming as I do from an island, and having been born into a seafaring family, I am particularly conscious of the debt that we all owe to those who made possible the adoption of the Convention, and aware of the magnitude of their achievement.

The International Court of Justice has been concerned with the application of the law of the sea from the very start of the Court's existence. The first case the Court decided — *Corfu Channel* (United Kingdom of Great Britain and Northern Ireland v. Albania) — required the Court to apply principles on the right of passage that were the forerunners of those now set forth in articles 17 to 32 and 34 to 45 of the Convention, as well as of the important principle in article 279, concerning the peaceful settlement of disputes. Since then, the Court has issued some 30 judgments that, in one way or another, have touched upon issues concerning the law of the sea.

Less than two years after Ambassador Pardo delivered his crucial speech to the 1515th meeting of the First Committee, the Court, in its judgments in the *North Sea Continental Shelf* cases, first explained the role of equitable principles as part of the law in determining the boundary between the continental shelf of neighbouring States. The Court also emphasized in those judgments the duty of neighbouring States to negotiate in good faith in order to achieve agreement on their maritime boundaries. Those aspects of the Court's judgments were subsequently reflected in the importance attached to achieving an equitable solution through agreement, which is found in what became articles 74 and 83 of the Convention, which deal with overlapping entitlements to the exclusive economic zone and continental shelf.

In their turn, developments at the third United Nations Conference on the Law of the Sea began to influence the law applied by the Court even before the Convention was adopted. As early as 1978, in a dispute regarding continental shelf delimitation, the parties asked the Court to take into account in deciding the case the recent trends admitted at the Conference. The Court's judgment in that case, between Tunisia and Libya — which was delivered two months before the Convention was adopted — was the first occasion on which a court or tribunal considered the principles enshrined in article 83 of the Convention.

In the 30 years that have followed, the judgments of the Court have discussed the Convention's provisions on the extent of the territorial sea, the delimitation of the territorial sea between neighbouring States, the continental shelf, the exclusive economic zone, fisheries, the legal regime of islands and navigational rights. The parties to those cases have included States from all of the five regional groups. In some instances all of the parties to the case have been parties to the Convention, and its provisions have therefore been applied as a matter of treaty law. In other cases particular provisions of the Convention have been relevant because the Court found that they reflected customary international law as it stands today. The result has been a substantial body of jurisprudence, which we believe has been a major contribution to the interpretation, exposition and application of the principles enshrined in the Convention.

I would like to conclude with two reflections on the judicial application of the Convention during the past 30 years.

First, when the Convention was adopted a number of commentators expressed their concern that the choice of different methods of dispute settlement set out in article 287 of Part XV might lead to a fragmentation of that area of international law, and even to competing lines of jurisprudence from different courts and tribunals. In fact, there has been a remarkable harmony between the pronouncements of the International Court of Justice, the International Tribunal for the Law for the Sea and the Annex VII arbitration tribunals.

If we consider, for example, the approach to delimitation of the continental shelf and exclusive economic zone between neighbouring States, the jurisprudence built up by the International Court of Justice in the many cases it has decided over the past

30 years has been followed and applied by the arbitral tribunals in the two principal Annex VII cases decided so far and by the International Tribunal for the Law of the Sea in its judgment in the Bay of Bengal case earlier this year. Conversely, the most recent judgment of the International Court of Justice in a maritime delimitation case, delivered only three weeks ago, draws extensively on the awards of the Annex VII tribunals and the judgment of the International Tribunal. Far from fragmentation, what we have seen is a consistent determination to achieve a clear and coherent jurisprudence across all of the relevant courts and tribunals.

Secondly, I would suggest that the resolution of competing national claims to the continental shelf and exclusive economic zone has been one of the important achievements of the past 30 years. The substantial enlargement of coastal States' rights to the seabed and waters extending to a great distance from their coasts had the potential to be a seriously destabilizing factor in international relations. While some cases of competing claims remain problematic, as we have heard this morning, the principles laid down in the Convention and the application of those principles in the jurisprudence of which I have just spoken have made possible the peaceful resolution of a remarkable number of such cases. The International Court of Justice is happy to have played its part in that process and looks forward to continuing its work in that regard.

The Acting President (*spoke in Spanish*): I now give the floor to the representative of Jamaica, who will speak on behalf of the Caribbean Community.

Mr. Wolfe (Jamaica): Thirty years ago on this day, the United Nations Convention on the Law of the Sea was opened for signature in my homeland, Jamaica. That was the culmination of many years of debate leading to a compromise agreement, which demonstrated the importance of multilateral efforts in establishing international norms.

That historic act ushered in a new chapter in the development of the law of the sea, as it established a legal framework for the conservation, management, exploration and exploitation of the living and non-living marine resources within and beyond areas of national jurisdiction. Most significantly, it also codified the principle that the resources of the deep seabed beyond areas of national jurisdiction were the common heritage

of humankind, to be utilized for the benefit of the entire international community.

Against that backdrop, it is my special honour to speak on behalf of States members of the Caribbean Community (CARICOM) — Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago and my own country, Jamaica — at this plenary meeting of the General Assembly commemorating the thirtieth anniversary of the opening for signature of that landmark Convention.

For CARICOM member States, today's commemoration has special significance. First, the region was an active player in the drafting of a just and equitable international regime governing maritime zones that operated to the mutual benefit of both developed and developing countries. Secondly, it was in Montego Bay, on Jamaica's north coast, where, after many years of debate and spirited discussions, the Convention was finally opened for signature in 1982. As part of the thirtieth anniversary commemorative activities, the Government of Jamaica was therefore pleased to collaborate with the International Seabed Authority — whose Secretary-General is here with us today — in July in unveiling a plaque at the historic site in Montego Bay where the Convention was opened for signature. The text inscribed on the plaque reads:

“This plaque is installed in commemoration of the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea at the Wyndham Hotel in Montego Bay, Jamaica, on 10 December 1982, in recognition of the invaluable contribution of the Convention to the transformation of the legal architecture which governs the oceans, including the designation of the areas beyond national jurisdiction as the common heritage of mankind and its historic contribution to the maintenance of peace, justice and progress for all peoples of the world.”

On this commemorative occasion, it is fitting to pay rich tribute to the early pioneers for their visionary leadership in anticipating the need for a comprehensive legal regime that would define the rights and responsibilities of nations in their use of the world's oceans, including the management of the living and non-living marine resources. We also commend them for their astute diplomatic skills in crafting the

1982 Convention. We commend as well those who contributed to the adoption and ratification of the Convention. CARICOM States therefore wish to pay special tribute to the late Ambassador Arvid Pardo of Malta, the originator of the idea that the seabed and its resources in areas beyond national jurisdiction were the common heritage of humankind.

We in the Caribbean take great pride in the contribution of distinguished representatives of our region to the development of the Convention — the late Judge Lennox Ballah of Trinidad and Tobago, Judge Doliver Nelson of Grenada, the late Edward Laing of Belize, the late Honourable Kenneth Rattray and Judge Patrick Robinson of Jamaica, and the late Honourable Paul L. Adderley of the Bahamas. We are also pleased to recall that, in November 1993, it was a CARICOM member State, the Cooperative Republic of Guyana, that deposited the sixtieth instrument of ratification, making up the number required to bring the Convention into force.

This is a time for the international community to be justly proud of its collective achievement. I take this opportunity to acknowledge the presence of Ambassador Tommy Koh of Singapore, President of the third United Nations Conference of the Law of the Sea, in today's commemorative meeting. Occasions such as the one for which we have gathered today provide a valuable opportunity to reflect on how far we have come and to renew our commitment to tackle the challenges that lie ahead, as we resolutely pursue the full and effective implementation of the Convention.

The United Nations Convention on the Law of the Sea has proved to be the most successful multilateral treaty. Over the past 30 years, the Convention has been an inspiring example for effective multilateralism. It has served as an important frame of reference for initiatives in global political and economic development, and for the advancement of international peace and security. At the political level, international disputes have been settled, good-neighbourliness has been forged and the international law of the sea has been enhanced, through the implementation of the relevant provisions of the Convention. On the economic front, the resources of the ocean, including its rich biodiversity, have contributed much to technological advancement, innovations in pharmaceuticals, scientific research and human and social well-being.

The near-universal adherence to the Convention attests to the high value placed on the regime it

defines. Indeed, CARICOM member States note with satisfaction the steady increase over the years in the number of States parties to the Convention and both Implementing Agreements. We are therefore pleased to welcome the accession of Ecuador and Swaziland to the Treaty in September, which increased the number of States parties to 164. We remain steadfast in our support for the goal of universal participation, and we strongly urge those States that have not yet done so to become parties to the Convention and its related Agreements, so that its universal acceptance may be achieved in the near future.

In tandem with the growth in the number of States parties, we observe positive developments relating to State practices on the establishment of baselines, the delimitation of maritime boundaries and submissions on the delineation of the outer limits of the continental shelf. That further demonstrates the efficacy of the Convention in providing the appropriate legal framework and in serving as a tool through which States parties can address their maritime differences and concerns. The Convention has also given greater impetus for greater cooperation and understanding between States parties in promoting their maritime interests.

The Convention's success over the past 30 years can also be attributed to the effective and seamless operation of the three institutions it has established, namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. Those bodies provide for the comprehensive handling of law of the sea issues in a complementary way within their respective areas of competence, thus avoiding duplication and ensuring cost-effectiveness. There has been a remarkable increase in the number of cases brought to the International Tribunal for the Law of the Sea, which is a testament to the quality of its judgments and advisory opinions. Likewise, the Commission on the Limits of the Continental Shelf has been carefully reviewing a large number of submissions and has provided a number of recommendations to States parties seeking to establish the outer limits of their continental shelves.

CARICOM is privileged to host in Kingston the headquarters of the International Seabed Authority, which has been entrusted with the mandate to administer, organize and control activities in the Area on behalf of all States. CARICOM is pleased by the

considerable progress achieved by the Authority over the years in developing a framework for cooperation in the management of seabed resources. Important achievements include the development of regulations on the prospecting and exploration of polymetallic sulphides, polymetallic nodules and cobalt-rich ferromanganese crust in the Area, as well as the provision of training through annual workshops on the scientific and technical aspects of deep-seabed mining and in the critical area of the protection and preservation of the marine environment.

CARICOM continues to underscore its unwavering commitment to the Authority and its work. We urge member States of the Authority to honour their obligations in that regard, including attendance at its annual sessions, in order to enhance the efficacy of its work.

An outstanding provision of the Convention, which is as vital and relevant today as it was 30 years ago, is “the study, protection and preservation of the marine environment”, as stated in its preamble. For CARICOM member States, the protection and preservation of the marine environment, including areas beyond national jurisdiction, remains an issue of fundamental importance to the sustainable development of our economies. As small island developing States, the sustainable development of the Caribbean Sea for present and future generations is a fundamental priority for our economic viability and livelihood. Our history and socioeconomic development have been closely tied to the sea. We therefore commend the focus of the Convention on the sustainable exploitation of the seabed’s natural and non-renewable resources.

From the days of piracy to the attempt to explore for minerals, including offshore oil, the ocean and the sea have been a great source of economic potential. The Convention has done much to level the playing field, allowing each country to sustainably and equitably exploit the resources of the world’s oceans. It is therefore heartening that this opportunity is being afforded to developing countries, including small island developing States.

Thirty years on, there is no doubt that the United Nations Convention on the Law of the Sea remains an indispensable instrument for the sustainable management and use of the ocean and its resources. I can assure the Assembly that CARICOM member States remain fully committed to the letter and spirit of

the provisions of the Convention, which will continue to provide an essential foundation for ensuring that the oceans and their resources are managed effectively for the sustainable use of the world and all its peoples, based on the principle of the common heritage of humankind.

The Acting President (*spoke in Spanish*): I now give the floor to the representative of the Lao People’s Democratic Republic, who will speak on behalf of the Group of Landlocked Developing Countries.

Mr. Kommasith (Lao People’s Democratic Republic): I have the honour to speak on behalf of the Group of Landlocked Developing Countries, which consists of 31 Member States.

At the outset, allow me to pay special tribute to Ambassador Arvid Pardo of Malta, father of the law of the sea, as well as to all distinguished persons who contributed to the development of the United Nations Convention on the Law of the Sea (UNCLOS). Our appreciation also goes to the Secretariat’s Division for Ocean Affairs and the Law of the Sea for its efforts and contribution to the implementation of the Convention, including the convening of this commemorative meeting.

Throughout the history of humankind, the oceans, which cover more than 70 per cent of Earth’s surface, have been of critical importance to the very existence and well-being of all people and nations. They are sources of food, minerals, energy and marine biodiversity and are used for transportation and other socioeconomic activities.

The United Nations Convention on the Law of the Sea, which is often referred to as the “constitution for the oceans”, is considered to be the most comprehensive international instrument setting a legal framework within which all activities related to the oceans and seas must be carried out in a balanced and integrated manner, in order to promote the peaceful use of the oceans, the equitable and efficient utilization of their resources, and the protection of the maritime environment. It is also important to emphasize that the preamble of the Convention recognized the need to take into account the interests and needs of humankind as a whole, particularly the special interests and needs of developing countries, whether coastal or landlocked. We have seen many achievements over the past three decades of implementation of UNCLOS.

While recognizing the huge benefits of the oceans, it is important to point out that the level of such benefits

that a country can obtain varies from one to another, depending on each country's capacity and geographical location. Landlocked developing countries (LLDCs) constitute one of the most vulnerable groups of countries with special needs and problems, owing to their distinct geographical disadvantage.

Currently, 16 member States of the Group of Landlocked Developing Countries are States parties to UNCLOS, which defines landlocked States as those having no sea coast. The lack of direct access to the sea creates formidable obstacles for their development process, especially with regard to seaborne trade. That puts LLDCs on an inherently disadvantaged development path as compared to countries with coastlines and deep-water ports. Landlocked developing countries are obliged to enter into agreements with coastal States in order to secure transit rights and the use of port facilities.

Furthermore, inadequate transport infrastructure, cumbersome customs and border-crossing procedures, and high transport and trade transaction costs put landlocked developing countries in a non-competitive position in the world market. The transport costs for landlocked developing countries is three times higher than those of coastal countries. Such excessive transit-transport costs constitute enormous development challenges for landlocked developing countries. They diminish export profits, inflate the price of imported inputs for manufacturing and discourage investment, thereby negatively affecting overall development in landlocked developing countries. Consequently, those countries are increasingly marginalized in the globalized world economy. Addressing the special needs and problems of landlocked developing countries requires special attention and treatment from the international community, including development partners and transit countries.

In that context, the full and effective implementation of UNCLOS is vital, especially its relevant provisions in Part X, such as article 125, on the right of LLDCs to have access to and from the sea and freedom of transit through the territory of transit States by all means of transport, and articles 127, 129 and 130, related to cooperation in the area of transport infrastructure development and the elimination of any unnecessary charges and delays. The effective implementation of the provisions of the Convention will not only facilitate the necessary means for LLDCs' trade transition, but will also promote regional trade cooperation

that benefits both landlocked developing countries and their neighbouring transit States. It will end any trade barriers, eliminate any unnecessary procedures in importing and exporting goods, shorten transport delays, enhance their ability to access the world market and attract more foreign direct investment flow to the region.

In addition, Part XI of the Convention contains provisions related to participation in the Area, such as seabed mining and sharing benefits from activities in the Area. It, too, is relevant to LLDCs' legitimate rights and interests. However, even though the high seas are open to all States, whether coastal or landlocked, landlocked developing countries have not been utilizing those resources. Reasons for underutilizing the provisions could include a lack of knowledge and of capacity and the distance to the high seas. We call for more support for capacity-building for, and the participation of, LLDCs, as well as for increased advocacy to raise awareness among the most disadvantaged Member States, such as landlocked developing countries. Our Group also requests studies or specific reports on best practices regarding how landlocked developing countries can fully utilize the provisions of UNCLOS.

To conclude, our Group would like to call upon all States parties to further implement the provisions of UNCLOS in good faith and for the mutual benefit of all.

The Acting President (*spoke in Spanish*): I now give the floor to the representative of Micronesia, who will speak on behalf of the Pacific small island developing States.

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

The United Nations Convention on the Law of the Sea (UNCLOS) represents one of the greatest achievements of the United Nations. It has provided certainty in the turbulent waters of ownership and usage of the oceans and its resources and has greatly benefited the members of the international community — none more so than small island developing States (SIDS). Today it remains a shining beacon of hope for us all, and it will continue to be so in the years ahead.

As we commemorate the thirtieth anniversary of the Convention's opening for signature, it is timely to look back on its achievements and challenges and on the lessons learned, as well as to draw strength from that and to navigate its future prospects.

The Convention codified the law of the sea, which had been customary international law for centuries. The Convention drafters were not content to merely write it down; they had the insight and wisdom to enrich it in a way that would benefit all of humankind. I would like to briefly focus on a few examples of the Convention's historical landmarks that have shaped our dynamic and evolving world.

One of the most fundamental achievements was the establishment of the exclusive economic zone. With a breadth of up to 200 nautical miles, it effectively transformed the small island developing States of the Pacific into large ocean States. Under the Convention, not only do we see the resource potential of our countries multiplied; the Convention also formalized to some extent our traditional role as stewards of the ocean — a responsibility that the Pacific SIDS take very seriously and to which they remain steadfastly committed.

Another important advance is the definition of the extended continental shelf and the establishment of the Commission on the Limits of the Continental Shelf, before which a number of Pacific SIDS have filed their claims, with the help of our development partners and regional organizations. That has also helped our respective countries build and consolidate national capacities and capabilities on highly technical issues to secure our claims. In most cases, the work to provide additional information is still ongoing. We look forward to its conclusion and trust that the Commission

will be provided with adequate resources and that it will conduct its work efficiently to assist in determining our claims in a timely manner.

The inclusion of the concept of the common heritage of humankind ensured that the benefits derived from the oceans were for everyone, from SIDS to coastal States to landlocked countries. However, there exists a significant gap in the implementation of UNCLOS. In our view, the matter of biological diversity in areas beyond national jurisdiction needs to be addressed as soon as possible through an implementing agreement under UNCLOS. We are convinced that that will provide legal certainty in the conservation and sustainable use of marine biodiversity in the high seas, thus deriving legitimacy and credibility from our "constitution of the oceans".

Finally, the Convention also established the International Tribunal for the Law of the Sea and the International Seabed Authority. The Pacific has been particularly active in the latter. Exploration for and exploitation of minerals and hydrocarbon resources in the high seas will be an important economic activity in the future. It is important that those activities be carried out in an environmentally sound manner and that they be guided by the precautionary principle and undertaken with the greatest care so as to preserve the oceans and their resources for future generations.

The Convention has proved its value and stood the test of time. While new challenges have emerged, it is important that we address them within the framework of the Convention. The Pacific SIDS will continue to support the maintenance of a fair and stable international legal order of the sea.

The meeting rose at 1 p.m.