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Official Records

President: Mr. Jeremić (Serbia)

In the absence of the President, Mr. Gaspar Martins (Angola), Vice-President, took the Chair.

The meeting was called to order at 3.20 p.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 (resolution 67/5)

Mr. Dos Santos (Paraguay) (*spoke in Spanish*): It is a special honour for my delegation to speak in our national capacity and on behalf of the following States parties to the Convention from our region — Antigua and Barbuda, the Bahamas, Barbados, Belize, Costa Rica, Dominica, the Dominican Republic, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago — on the occasion of the commemoration of the thirtieth anniversary of the United Nations Convention on the Law of the Sea, bearing in mind the particular importance of that instrument for the countries of the region.

Three quarters of our planet are covered by water, sustaining the lives of more than 97 per cent of all living organisms. The oceans influence all of human activity and support much of our transportation, and the exploitation of the resources they contain is vital to States.

The United Nations Convention on the Law of the Sea is considered to be one of the most important multilateral instruments in history. It was the result of a great collective effort, to which our countries contributed significantly. There are currently 164 States parties to the Convention. In fact, the Convention was opened for signature in 1982 in a country of our region, Jamaica, in Montego Bay, and came into force in 1994 after the sixtieth instrument of ratification was deposited by Guyana, another country in our region. Our region also played a very active role during the negotiation process and contributed significantly to the development of the norms that today govern the law of the sea. The positions taken and proposals made by the countries of our region had a decisive influence during the three preparatory conferences convened by the United Nations on the subject.

The countries of our region have demonstrated a notable interest in the development of the law of the sea, due to its significance for, among other things, the expansion of trade, transportation and as a source of food. The contribution of some Latin American and Caribbean countries has been particularly relevant in the establishment of the legal regime of the territorial sea, the exclusive economic zone and the continental shelf. The 200-nautical-mile limit was a legal notion that emerged from our region, supported by a new concept: the sea as a factor in development. The goal was to preserve and protect marine resources and to ensure permanent sovereignty over those resources and their use for the benefit of the peoples.

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The Convention incorporated new institutions, such as the exclusive economic zone. It established definitions, such as that of the archipelagic State, obligations for protecting the marine environment, and freedom of scientific research, among others. Furthermore, it created a juridical regime regulating activities on the seabed and subsoil thereof, which were declared the common heritage of humankind. Another noteworthy point was the recognition of landlocked countries' right of access to the sea and freedom of transit. In that context, we encourage all States parties to implement Part X of the Convention, on the right of access of landlocked States to and from the sea and freedom of transit.

As a result, we arrived at an international instrument for the regulation of a common heritage of humankind, as proposed by Ambassador Arvid Pardo of Malta, to whom we also pay tribute on this occasion. There has been significant progress in achieving the objectives of the Convention, and our region is proud of having participated actively in its negotiation. We therefore salute the negotiators from all countries, and the Convention itself.

Mrs. Perceval (Argentina) (*spoke in Spanish*): Argentina is pleased to participate in this commemoration of the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea, which took place in Montego Bay, Jamaica, on 10 December 1982. One look at a map reveals Argentina's connection to the sea in its extensive coastline and a continental shelf that slopes gently into the sea, with an outer edge that extends, for most of that coastline, beyond 200 miles.

The evolution of the law of the sea as it functions today has close connections to coastal States, particularly developing coastal States, including our country, Argentina. Until the 1930s, the law of the sea was traditionally marked by freedom of the seas, as Grotius defined it in the seventeenth century, but by the 1940s, countries with major seacoasts began parallel efforts aimed at changing the focus of the law of the sea from one centred on the absolute freedom of use of the seas to one that would take into account the interests, especially economic, of coastal States. That decade witnessed the first claims, through declarations or national legislation, to maritime areas adjacent to the territory of a State beyond its territorial sea.

I recall that Argentina's was the first of those claims. In 1944, my country proclaimed the Argentine

epicontinental sea, which included the water column and the seabed and subsoil beyond the territorial sea. In 1945, the well-known Truman Declaration was issued. It was followed by many internal norms and claims in the form of declarations by Mexico, Chile, Peru, Iceland, the Dominican Republic, Cuba and other States. It was pressure from coastal States, not content with a strip of sovereignty over the sea only three miles wide, that seriously shaped the negotiations that began in the 1970s.

The final impetus needed for the negotiation of a United Nations conference that, unlike the two previous ones, would address all aspects of the law of the sea was the concern that arose because the deep seabed, with its enormous mineral deposits known as polymetallic nodules, was the setting for an arms race in a time of cold war. The declaration of the ocean floor beyond the limits of national jurisdiction and its resources as the common heritage of humankind, influenced by the dominating new international economic order, led directly to the convening of the Third United Nations Conference on the Law of the Sea. I would therefore like to endorse the well-deserved tribute to Ambassador Arvid Pardo of Malta for his visionary speech here in 1967 (see A/C.1/PV.1515).

The 1973 Conference on the Law of the Sea set several records. It was the first conference with massive participation of new United Nations Members that had acquired their independence through the process of decolonization. It was the first conference in which non-governmental organizations took part and at which, all elements being so closely linked, negotiations were by consensus on the basis of a gentlemen's agreement called the package deal. It was also the first conference to provide a comprehensive regime for the protection and preservation of the environment — in this case, the marine environment.

The Convention adopted in 1982 fully met its objective to "settle ... all issues relating to the law of the sea" in a single instrument. Its relevance is truly remarkable. Allow me to recall just some of the noteworthy aspects of the Convention.

The sovereignty of the coastal State over the exploration for and exploitation of natural resources and its jurisdiction regarding protection and preservation of the marine environment in a 200-mile-wide strip — since then known as the exclusive economic zone — was one of the most significant concepts enshrined in

the Convention. Another was the crystallization, under the Convention, of the exclusive sovereignty of the coastal State over its entire continental shelf independent of occupation, effective or notional, or of any express proclamation. In addition, the legal system for marine scientific research provided for in Part XIII of the Convention does nothing more than reaffirm the sovereign rights of the coastal State regarding those two marine areas.

However, the truly revolutionary element was the legal system for the area. The preamble to the Convention sets out the objective:

“to develop the principles embodied in resolution 2749 (XXV) ... in which the General Assembly of the United Nations solemnly declared inter alia that the area of the seabed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as its resources, are the common heritage of mankind, the exploration and exploitation of which shall be carried out for the benefit of mankind as a whole”.

Part XI sets out a legal system for the exploration for and exploitation of minerals, but its principles, which emanate from resolution 2749 (XXV), apply to the whole Area, for “the Area and its resources are the common heritage of mankind”.

Another revolutionary dimension of the Convention on the Law of the Sea, which reaffirms its comprehensive nature as the entire legal system for oceans and seas, was the establishment of three institutions.

The Commission on the Limits of the Continental Shelf has worked tirelessly since its establishment. Argentina recognizes the efforts of the Commission's members and the support provided by the Secretariat. It encourages all necessary support measures for the Commission to work expeditiously and effectively.

The International Seabed Authority continues to develop norms, on the basis of the standards of the Convention, for prospecting and exploring for and exploiting minerals in the Area. It has also made progress in developing norms for the protection and preservation of the Area's marine environment, pursuant to the mandate arising from article 145 of the Convention.

Finally, I would like to stress that the International Tribunal for the Law of the Sea has already tried 20 cases, involving different aspects of the law of the sea.

Among them, the 2011 advisory opinion issued by the Seabed Disputes Chamber, *On Responsibilities and Obligations of States sponsoring persons and entities with respect to activities in the Area*, represents the first time that those two bodies established by the Convention were connected in the way foreseen in article 191. The advisory opinion clearly shows the commitment of States to the legal system established for the Area by the Convention and the centrality of the Tribunal as an institution. Argentina welcomes the fact that the Tribunal has been strengthening its body of law as the specialized tribunal for the law of the sea envisaged when the Convention was negotiated and, as the latest events show, that it has a leading role in maintaining the integrity of international law, an aspect on which we agree with the President of the Tribunal, Mr. Yanai.

Today, the Convention has 164 parties, a meeting of States parties ever more dynamic with regard to substantive issues, and follow-up by the General Assembly and its working groups. The Convention represents a delicate balance of rights, obligations and interests that we must continue to preserve. To that end, the General Assembly, the specialized agencies with competence in ocean issues, regional organizations and the Secretariat must continue to keep their activity in line with the Convention.

In June this year, the twenty-second Meeting of States Parties to the Convention adopted a special commemorative declaration that recalls

“the pre-eminent contribution provided by the Convention to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and to the promotion of the economic and social advancement of all peoples of the world, in accordance with the purposes and principles of the United Nations as set forth in the Charter of the United Nations, as well as to the sustainable development of the oceans and seas”.

Our country, Argentina, and our Mission to the United Nations wishes to pay tribute to the members of the Argentine delegation to the Third Conference on the Law of the Sea, the negotiators of all countries, the public officials of Argentina and all countries that worked for the ratification of the Convention, and to the Secretariat, represented today by the efficient Division for Ocean Affairs and the Law of the Sea.

Mr. Charles (Trinidad and Tobago): Trinidad and Tobago is honoured to participate in this event commemorating the thirtieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

We align ourselves with the statement delivered earlier today by the representative of Jamaica on behalf of the States members of the Caribbean Community (see A/67/PV.49).

Trinidad and Tobago signed the Convention on 10 December 1982, when it was opened for signature at the close of the Third United Nations Conference on the Law of the Sea in Montego Bay, Jamaica. Our delegation to that Conference was led by the late Lennox Ballah, who was one of the staunchest advocates of the Convention and who later became a judge of the International Tribunal for the Law of the Sea (ITLOS). Trinidad and Tobago was therefore among the first group of States to have signaled its intention to be bound by this landmark treaty, which we accept as the constitution of the oceans and seas. In 1986, Trinidad and Tobago ratified the Convention, thereby expressing its consent to be bound by that instrument, which entered into force for the country on 16 November 1994.

Over the past 30 years, much has happened in the life of the Convention for Trinidad and Tobago and the other members of the international community as a whole. We have witnessed the almost universal reach of a treaty, which more than any other agreement has established a firm basis for the preservation and promotion of the rule of law in our oceans and seas. Today 164 States parties rely on the Convention as the basis for the conduct of all of their activities in the maritime areas both within and beyond national jurisdiction. Trinidad and Tobago also enacted legislation in 1986 to give domestic legal effect to the provisions of the Convention.

As a State party, having satisfied the criteria laid down in Part IV of the Convention, Trinidad and Tobago was able to declare itself an archipelagic State and is recognized globally as having that status. The creation of the 200-nautical-mile exclusive economic zone together with the regime of the continental shelf under the Convention has allowed Trinidad and Tobago, as one of the oldest producers of hydrocarbons in the world, to expand its production beyond land-based sources and areas closer to the shore to areas farther out on the continental shelf.

It is our expectation that jurisdiction over our continental shelf will extend even further. We await a recommendation from the Commission on the Limits of the Continental Shelf based on our submission to it in 2009. That submission seeks to establish the outer limits of Trinidad and Tobago's continental shelf in accordance with article 76, paragraph 8 and annex II, article 4 of the Convention.

Over the past three decades, we have relied on the provisions of the Convention as the basis for engagement in matters beyond the exploitation of the living and non-living resources of the maritime zones over which we exercise jurisdiction in accordance with international law. For example, Trinidad and Tobago has been able to conclude agreements relating to maritime boundary delimitation and the sustainable use of fisheries resources with neighbouring coastal States, in keeping with the provisions of the Convention. Those bilateral treaties have been either concluded through negotiations or settled by arbitration, as provided for under Part XV and annex VII of the instrument. We in Trinidad and Tobago have also established an Institute of Marine Affairs to assist in the creation of mechanisms to preserve and protect the marine environment, as well as to engage in scientific research in the maritime zones under our jurisdiction.

Trinidad and Tobago's commitment to honouring its obligations that flow from the Convention was further demonstrated in 2007, when we deposited with the Secretary-General a declaration pursuant to article 287 of the Convention accepting the jurisdiction of ITLOS for the settlement of disputes concerning the interpretation and application of the Convention.

More than any other international treaty, the Convention is a reflection of the will of the global community to conclude a framework agreement that not only recognizes the sovereignty and sovereign rights of coastal States, but also the rights of other States to benefit from the resources of our oceans and seas.

In the Assembly today, we are privileged to have among us some of the founding fathers who were present in Montego Bay in 1982 and who helped to shape what is widely regarded as one of the most significant treaties adopted under the auspices of the United Nations. Trinidad and Tobago recognizes the heroic and pioneering efforts of Ambassador Tommy Koh of Singapore, President of the Third United Nations Conference on the Law of the Sea, and our good friend

Ambassador Satya Nandan of Fiji, former Secretary-General of the International Seabed Authority, who also played a major role in the creation of the 1994 Agreement relating to the implementation of Part XI of the Convention. Those illustrious international lawyers and diplomats, and others as well, ensured that the Convention also reflected and protected the interests, needs and aspirations of developing countries.

Due to natural or geographic factors, not all States are similarly circumstanced. Not all countries are coastal States. Some are landlocked, others geographically disadvantaged. The Convention, however, makes provisions for such States to benefit from, for example, the resources of the seabed and subsoil in the areas beyond national jurisdiction, which is widely accepted as the common heritage of mankind. Today, therefore, the international community owes a debt of gratitude to the late Ambassador Arvid Pardo of Malta for his vision in bringing to the fore this concept, which has become one of the most seminal norms in international law.

Trinidad and Tobago accepts that the Convention is not a perfect instrument. However, we submit that it is an accord unlike any other. Over the next 30 years, the international community must quicken the pace towards global adherence to UNCLOS. We must also, *inter alia*, ensure that article 82 of the Convention is implemented in an equitable manner, in keeping with the object and purpose of the Convention. In this regard, we commend the International Seabed Authority for doing the preparatory work on that dormant article. We also commend the Authority for the efficient management of the resources entrusted to it, enabling it to produce codes, which can be used as guides for States parties in exploring and prospecting for mineral resources in the Area for the benefit of humankind as a whole. The international community must also agree on the conclusion of an implementation agreement under the Convention to cover marine biodiversity in areas beyond national jurisdiction, so that those resources will be explored and exploited for the benefit of all humanity and not solely for benefit of a few States.

In closing, Trinidad and Tobago wishes to renew its commitment to working with States parties and other States for the full and effective implementation of the provisions of the Convention in order to enable the resources of our oceans and seas to be utilized in a sustainable manner for the benefit of current and future generations.

Mr. Haase (Australia): On behalf of Australia, I wish to express our warm appreciation for this plenary meeting devoted to the oceans and the law of the sea. Thirty years ago today, the United Nations Convention on the Law of the Sea was opened for signature in Montego Bay, Jamaica. It was a triumph of international diplomacy and international law, resulting from the Third United Nations Conference on the Law of the Sea, one of the longest and most complex lawmaking negotiations in history.

Today, 30 years on, the Convention and the norms it embodies can be counted among the core group of international instruments that we call “universal”. The promise of the Convention is a framework within which all States can be secure and prosper through interaction on the basis of an agreed, rules-based system.

Australia is the sixth largest country in land area and the world’s largest island State, with the third-largest marine jurisdiction in the world. We straddle three oceans — the Pacific, the Indian and the Southern. We are home to one of the world’s largest repositories of marine biodiversity — the Great Barrier Reef. And we rely on maritime transport for over 80 per cent of the volume of our international trade. For Australia, the rules, institutions and principles established through the Convention are of crucial importance to our national security, our continuing prosperity and our relationships with other countries, particularly our neighbours.

Thirty years ago, Australia signalled its strong commitment to the Convention by signing it in Montego Bay immediately upon its opening. We were the third country to become a party to both the Convention and 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, which together embody our constitution for the oceans.

Time and again throughout the world, Australia has demonstrated its commitment to that system through our actions. Through technical and legal assistance we are helping countries in our region and beyond to realize the economic potential of their continental shelf resources. Since our own submission to the Commission on the Limits of the Continental Shelf, which defined the outer limits of our 2.54-million square kilometre extended continental shelf, we have worked with over 20 States in that way. Through information exchange, outreach and on-the-water cooperation, we are working

with our Pacific and Southern Ocean partners to promote compliance with the Convention and to thwart the theft of valuable but finite marine resources. Through financial assistance we are helping developing countries to implement 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 in order to enhance fisheries management through a recognition of the role of fisheries and aquaculture in livelihoods and food security.

We have shown our commitment through multilateral pledges to support food security, poverty alleviation and environmental initiatives, including \$25 million for the Pacific Oceanscape Framework and \$13 million for the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security.

We supported the interests of small island developing States and coastal States at the United Nations Conference on Sustainable Development (Rio+20) held in June 2012, and we worked to ensure that the Rio+20 outcome recognized the importance of oceans for sustainable development. We have worked to strengthen the ability of competent organizations at the local, regional and national levels to better deal with oceans and the law of the sea, such as by boosting the capacity of regional fisheries management organizations so as to promote sustainable management of fisheries and better oceans management.

As we reflect on where we have come from and where we are going with the Convention, one thing is certain — the international law of the sea has not stood still and cannot stand still. It continues to evolve as new challenges emerge.

Climate change and the need to achieve genuinely sustainable fisheries across the globe, as demand for food increases, are just two of many challenges that we face. As the drafters of the Convention wrote in its preamble, we need to be “conscious that the problems of ocean space are closely interrelated and need to be considered as a whole”. That should be a guiding principle going forward.

In that context, Australia welcomes the urgent call issued at the United Nations Conference on Sustainable Development to address matters relating to the conservation of marine biodiversity beyond national jurisdiction. We are encouraged that States agreed on

a time frame in which a decision on whether to develop an international instrument under the Convention should be taken.

Australia is confident that the Convention — a fundamental, pioneering, visionary legal instrument — can continue to develop in response to emerging challenges, and we will continue to play a strong and constructive role in that endeavour, over the next 30 years and beyond.

Mr. Jacovides (Cyprus): I consider it a privilege to represent the Republic of Cyprus at this significant event marking of the thirtieth anniversary of the signing of the United Nations Convention on the Law of the Sea (UNCLOS). Having led my country's delegation during that Conference, I had the honour of signing the resultant Convention on behalf of Cyprus at Montego Bay in Jamaica, together with my colleague James Droushiotis, who is also participating in this meeting.

The Conference was rightly described as the most significant multilateral lawmaking undertaking since the United Nations Charter was adopted in 1945, and the Convention is seen as the veritable constitution of the seas and oceans. All those who value international legal order and who toiled long and hard to bring about that result — and I am pleased to see many of them gathered here today, including President Tommy Koh — well deserve the satisfaction that they justly derived from that major accomplishment.

The Conference was aimed at re-examining, and, where appropriate, recasting virtually all aspects of the law of the sea. It combined the element of codification with that of progressive development, with emphasis on the latter. It was thus a lawmaking conference in the full sense of the word. New and revolutionary concepts were introduced and elaborated, such as the common heritage of humankind, the archipelagic State and — something of particular significance to Cyprus in light of recent discoveries of hydrocarbons — the exclusive economic zone. On the other hand, it has been found that other aspects of the law of the sea, such as freedom of the high seas and the regime of islands, have stood the test of time and should remain as before, thus demonstrating that novelty is not necessarily synonymous with progress. On the whole, the third United Nations Conference on the Law of the Sea was characterized by a judicious blending of elements of progressive or even revolutionary change in some respects, with those of stability and continuity in other

respects, thus helping to preserve a balance between conflicting claims and interests.

The Conference was convened against a background of the then recent transformation of the international community, caused by many new States coming into existence with the end of the colonial empires and advances in technology, which brought opportunities for obtaining new resources from the sea and the seabed. Newly independent States — Cyprus among them — which did not have the opportunity to participate in the formulation of the traditional law of the sea, felt that they should play a full role in moulding the contemporary law of the sea in a way that safeguarded and promoted their political and economic interests.

Cyprus, an island State that is at the crossroads of three continents — namely, Europe, Asia and Africa — is vitally concerned with the legal regulation of the uses of the sea in a just and orderly manner, ensuring fairness and predictability. According to legend, it was off the coast of Cyprus that Aphrodite, the goddess of love and beauty, was born rising from the glittering foam of the blue sea, near Paphos. According to geology, the island of Cyprus arose from the seabed, emerging as a result of the tectonic plates of Africa pushing north and of Asia Minor pushing south. According to history, our seafaring tradition and involvement with the sea go back more than 3,000 years. Today shipping and ship management are still a major industry. There was a time in the eighth century B.C. when Cyprus, with its ample supply of timber for shipbuilding, was known as the “mistress of the seas”, and in the fourth century B.C., the Cypriot kingdoms built the bulk of the fleet of Alexander the Great.

Our past, present and future are inexorably meshed with the sea and its uses, most recently the ample supply of hydrocarbons in our exclusive economic zone. In the European context, Cyprus, through its presidency of the Council of the European Union, which is coming to a close at the end of this month, has promoted the Integrated Maritime Policy, culminating in the adoption of the Limassol Declaration on a marine and maritime agenda for jobs and growth. The Limassol Declaration has been described as the point of departure for the sustainable growth of a blue economy and for achieving a good environmental status of marine waters by 2020.

On occasions such as this, one might be permitted a brief look backwards, because of sentiment as well as of

reason, and view our aims and objectives from a broad perspective, including when the Conference began and to what extent those aims have been met, both in terms of the substantive provisions and the peaceful settlement of disputes, as the issues of primary concern to Cyprus. It can be said with conviction and, perhaps, with a certain amount of satisfaction that those objectives have, to a large extent, been met, both in terms of our national interest and from the broader perspective of the interests of the international community.

In order to very briefly indicate some of those concerns, I will cite the extent of the territorial waters, which, under article 3 of the Convention, is based on the general rule of 12 nautical miles, which Cyprus had already claimed since 1964; the position of islands, which, under article 121, clearly vindicates our strongly held view that islands are fully entitled to all the zones of maritime jurisdiction, namely, territorial sea, contiguous zone, exclusive economic zone and continental shelf, no less than any other land territory; the question of enclosed and semi-enclosed seas, articles 122 and 123; the question of the delimitation of the zones of maritime jurisdiction between States with opposite or adjacent coasts, articles 15, 74 and 83; questions on the protection of archaeological and historical objects found at sea, articles 149 and 303; and the protection of the environment, and so forth. Likewise, the system for the peaceful settlement of disputes, very important, especially for the protection of small States, while not as far-reaching as we would have preferred, marks a significant advance from the previously existing situation.

Having played an active role during the Conference, Cyprus was among the first to sign and ratify the Convention and subsequent agreements. With 164 States parties and, hopefully, more to come soon, the Convention has achieved near universality, and it is generally acknowledged that its provisions have acquired the status of customary rules of international law and are therefore binding on all States. In that context, we were pleased to hear this morning the statement by the United States.

Indeed, the Convention could not and did not fully satisfy all delegations in all respects, despite the clarity that it provides on issues of jurisdiction. One could point to ambiguities where there should have been clarity, to complexities where there could have been streamlining, and to exceptions where there could have been general rules. But it had to be accepted that

compromises, necessitated by the need to arrive at consensus, had to be the price for reaching a successful conclusion to a complicated and ambitious undertaking. The Convention and its dispute settlement system go a long way in an imperfect world to meeting this need.

Cyprus, in compliance with the Convention, proclaimed its exclusive economic zone in 2004 and, pursuant to article 74, signed delimitation agreements of its zone with three of its neighbouring countries to the south and east on the basis of the medial line and with a provision for arbitration if needed. Based on the proclamation of the exclusive economic zone and the relevant delimitation agreements, Cyprus exercises sovereign rights and jurisdiction in relation to areas beyond and adjacent to its territorial sea for the purposes set out in article 56 of the Convention, which also reflects customary international law.

In addition, Cyprus has, as a matter of international law, inherent sovereign rights over the continental shelf covering the same area, which it exercises in conformity with article 77. In particular, in relation to hydrocarbon resources, the Republic of Cyprus has exclusive sovereign rights, *inter alia*, for the purpose of exploration and exploitation in its exclusive economic zone and over its continental shelf and has already embarked on drilling activities for hydrocarbon exploration in the southern part of its exclusive economic zone's continental shelf. As in all countries in the world, the sovereign rights in the exclusive economic zone belong to internationally recognized Governments, not to national communities or minorities within a State.

It is our firm belief that all States should mutually respect the lawful exercise of their neighbours' rights in the sea areas where each State has sovereignty or sovereign rights and exercises jurisdiction in accordance with the Convention. On that basis, Cyprus already promotes peaceful cooperation on the exploration and exploitation of natural resources, in accordance with the Convention, with and between all the States in the south-eastern Mediterranean, in order to achieve sustainable development and prosperity for the entire region. Cooperation, in that respect, can contribute to regional integration and conflict resolution, and we strongly call on all States in the region to refrain from acting or threatening to act in violation of Article 2, paragraph 4, of the Charter of the United Nations.

To conclude, as I began, on a positive note, today's event marking the thirtieth anniversary of the signing of

this major accomplishment in multilateral lawmaking deserves to be celebrated for what was achieved at the time and what has been achieved since through judicial practice — and we heard this morning from Judge Greenwood and Judge Yanai — and the practice of States, towards the rule of law in the seas and oceans and the peaceful resolution of disputes among States.

Mrs. Niang (Senegal) (*spoke in French*): At the outset, I would like to thank the Secretary-General for preparing the report contained in document A/67/79 and addenda 1 and 2, on oceans and the law of the sea. These documents provide us with valuable information concerning developments in maritime and law of the sea issues.

The consideration of this agenda item coincides this year with the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. Allow me therefore, on behalf of the Senegalese delegation, to pay exuberant tribute to the pioneers — both men and women — who worked tirelessly over many years on the drafting and ratification of the Convention. That legal instrument has ultimately convinced even the most skeptical of its relevance, usefulness and benefit to all humankind and now enjoys accession by 162 States parties, representing the overwhelming majority of States.

Thus, and thanks in large part to the Convention, the law of the sea is now one of the most complete bodies of international law. It plays a crucial role in establishing a safe international environment through its use in the peaceful settlement of disputes by such international tribunals as the International Court of Justice and the International Tribunal for the Law of the Sea. With a view to achieving the noble goals underpinning the United Nations Convention on the Law of the Sea, it is essential that all bodies established under it be provided with sufficient resources to effectively carry out their mandates.

The oceans and seas cover the largest part of our planet's surface and continue to represent enormous economic potential and a true factor of development for the entire world. Indeed, their great wealth of natural resources contributes enormously to global prosperity and food security, while remaining the best platform for international trade. That is why, from an international perspective in which the world is increasingly confronted with recurring acute and multifaceted crises that further undermine and strain economic prospects,

the sustainable management and use of oceans and their resources today appear key to the survival of a large segment of current and future generations. From that point of view, our actions and approach must continue to lead us to unite our forces and coordinate our efforts in order to transform the sustainable management of oceans and seas into reality.

I am pleased to note that, in that spirit, we have established the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, based on the provisions of the 1982 United Nations Convention on the Law of the Sea and the goals of chapter 17 of Agenda 21, thereby responding to the concern to strengthen and improve international coordination and cooperation in the area of oceans and seas, among others. The process serves as an important instrument to support the sustainable development of seas and oceans, and seeks to develop an integrated, multidisciplinary and intersectoral approach comprising various relevant aspects.

For that reason, the discussions of the thirteenth meeting of the Consultative Process, held in New York in June, were focused on renewable marine energies. The ocean and seas, because of their immense potential in that area, constitute an important vector for developing related energy sources to deal with a worrisome energy crisis that risks deteriorating even further in the decades to come, absent significant progress in developing alternative energy.

In terms of sustainable development efforts and achievement of the Millennium Development Goals, renewable energy today appears to be increasingly necessary in our struggle for universal access to energy and enhanced economic and social development. We would hope that the recommendations that resulted from the meeting and were transmitted to the General Assembly will be the object of that body's particular attention.

In managing the finite resources of the oceans and seas, we must always keep in mind the balance necessary to fully meet our needs while safeguarding the interests of future generations. Along those lines, the protection of the marine environment and the sustainable and responsible conservation and use of marine biological resources are essential.

From that perspective, such harmful practices as illegal, unreported and unregulated fishing, unsustainable fishing or even marine pollution

represent serious threats to sustainable fisheries and the preservation of marine ecosystems. In depleting fish stocks and destroying marine habitats and their natural renewal cycles, illegal, unreported and unregulated fishing remains the most worrisome problem, in particular for developing countries lacking the necessary mechanisms to control their maritime areas. Consequently, supplementary measures are needed to further combat that growing phenomenon and its devastating consequences.

Another problematic area is the legal status of new resources, particularly of deep seabed genetic resources, which remains a subject of dispute between Member States. In that regard, in accordance with the spirit of the relevant international conventions, we reiterate our consistent position and belief that those resources should be governed by the principle of the common heritage of humankind in order to ensure their fair and equal use by all peoples of the world.

Mr. León González (Cuba) (*spoke in Spanish*): Cuba joins in the commemoration of the thirtieth anniversary of the United Nations Convention on the Law of the Sea (UNCLOS), which is a fundamental landmark in the codification of international law that has been ratified by the vast majority of the States Members of the United Nations. The Convention is of fundamental importance in maintaining and strengthening peace, stability and the sustainable development of the oceans and the seas. It embodies an appropriate and universally recognized legal framework under which all activities involving the oceans and seas should be carried out.

The Cuban delegation believes that matters of such great importance as those related to the oceans and the law of the sea should be permanently supervised by the General Assembly in order to guarantee the strengthened coordination of those activities to the benefit of all Member States. Cuba highlights the important and continued assistance role of the United Nations Division for Ocean Affairs and the Law of the Sea.

Given that Cuba is an island located in the fragile ecosystem of the Caribbean Sea, matters relating to the seas and oceans are of particular interest to us. Despite suffering from an economic, trade and financial blockade for more than 50 years, my country has pursued its determined effort to implement national strategies on the sustainable development and protection of the marine environment aimed at the efficient, effective

and progressive application of the provisions of the Convention.

Cuba has sound national legislation addressing crimes that take place at sea, in particular the illicit trafficking of narcotic drugs and psychotropic substances, illegal human trafficking and piracy. My country is also endowed with an institutional body devoted not only to ensuring compliance with international norms, but also to protecting and preserving of ecosystems and the environment.

Cuba has worked intensively to strengthen bilateral and regional cooperation based on provisions of international law, with due respect for safeguarding States' sovereign jurisdiction over their territorial seas and the management of resources in their exclusive economic zone. We advocate the broad exchange of scientific and technical knowledge, as well as the free transfer of sustainable technologies and increased financial and technical assistance to developing countries.

It is important to preserve the integrity of the United Nations Convention on the Law of the Sea and the implementation of its provisions as a whole. It is not acceptable for Member States to address matters of vital importance, such as those relating to the seas and oceans, through parallel initiatives outside the General Assembly and the United Nations system.

Cuba further believes that it is necessary to continue to work to guarantee that all States without exception will benefit from the resources in the Area, including its biodiversity and genetic resources. It is our responsibility to work to realize the principle of the common heritage of humankind for those resources, as clearly established in the United Nations Convention on the Law of the Sea. We cannot allow them to be patented by transnational enterprises. Those resources are not the exclusive patrimony of a group of States with the material and financial resources to develop the wealth of the Area. The international community must work to ensure that benefits are equitable and not affect the marine environment or ecosystems. We must also protect the ability of a State to exercise sovereignty over the resources in its exclusive economic zone and continental shelf.

We are therefore concerned about policies and initiatives that undermine the regime of the Convention and that may lead to decisions being taken outside of the General Assembly. An example of that is the

current approach to new sustainable uses of the oceans, including the conservation and management of the biological diversity in the seabed beyond the limits of national jurisdiction. Cuba believes that, on that issue, States must be governed by the principles established in the Convention, which provides that marine scientific research in the area must be carried out exclusively for peaceful purposes and the benefit of humankind as a whole.

Our country has repeatedly voiced its concern at various summits and meetings about the dramatic consequences of climate change for humankind. Ocean systems are no exception to that reality. The law of the sea should become the tool of choice for the international community in avoiding irreparable damage to marine ecosystems. Irresponsible human activity in the natural environment and the unbridled exploitation of natural resources in various ecosystems have led to many natural disasters. The continuous rise in sea level, for example, threatens the territorial integrity of many States, especially that of small island States, some of which are destined to disappear unless immediate measures are adopted.

The international community is called upon to take immediate action on those issues. Developed countries must meet their financial obligations, honour their assistance commitments, and in particular reduce activities and practices that have affected and continue to affect the delicate ecological balance of the world.

We cannot conclude without first expressing thanks for the efforts of the coordinators of the draft resolutions on this subject. They have done excellent work despite the technical complexity and sensitivity of the subjects for Members of the Organization. Cuba reiterates its support for the draft resolutions before us and reiterates its commitment and willingness to work in outreach on matters relating to the law of the sea and on the unfettered application of the norms of international law on the subject.

Mr. De Vega (Philippines): At the outset, my delegation associates itself with the statement made by the representative of the Republic of Korea on behalf of the Group of Asia-Pacific States.

A few minutes are never enough to talk about the United Nations Convention on the Law of the Sea (UNCLOS), but as the eleventh ratifying State party the Philippines wishes to say a few words.

First of all, we call on all States that have not yet done so to ratify UNCLOS and contribute to its universality. UNCLOS has withstood the test of time. For us, that constitution for the oceans anchors the rule of law as it governs the rights and responsibilities of nations — large and small, rich and poor, coastal and landlocked — in their use of the world's oceans. Let us remember that UNCLOS became necessary to ensure global and regional peace, cooperation and stability through the just and sustainable use of marine natural resources.

If respected fully by all States parties, UNCLOS prevents the use or the threat of use of force over our shared resource, which until recently had led to inequity, injustice and even bloodshed. The cooperation for common development that UNCLOS envisions will succeed only if the agreed maritime zones it carefully demarcates are honoured in good faith.

In the fifteenth century, European Powers launched the Age of Discovery, or the Age of Exploration, by seeking alternative trading routes to Asia through the seas. That allowed the global mapping of the world, and thus the modern era was born. But along with expanding trade, the great exchange of culture and scientific knowledge between East and West and the founding of the nation State also came the creation of colonial empires supported by the slave trade with its unfortunate legacy.

Through it all, the sea was the conduit for both the good and the not-so-good. In 1609, the great Hugo Grotius published *Mare Liberum*, his seminal treatise on the free sea. Grotius proposed that the sea was international territory and the common property of all nations, and not susceptible to occupation. All nations were free to use it, and no nation could deny others access to it. And yet the inequality among nations meant inequality in the use of the sea. Nations sought to extend their claims ostensibly to protect fish stocks and enforce pollution controls, but also to take advantage of mineral resources in the continental shelf. In 1945, United States President Harry Truman set off the race to the depths of the seas, citing customary international law to extend United States control over its continental shelf.

Through deft diplomacy, the three United Nations Conferences on the Law of the Sea were convened in 1956, 1960 and 1973. The first Conference succeeded in adopting four separate conventions on the territorial

sea and contiguous zone, the continental shelf, the high seas, and fishing and conservation of living resources of the high seas. However, the second was largely a failure due to Cold War politics. By 1967, 66 nations had set a 12-mile territorial sea limit, while only 25 still used the old three-mile limit. A few claimed a 200-mile limit.

In the context of those contending claims, we remember Ambassador Arvid Pardo of Malta. His stirring speech on 1 November 1967, given in this very Hall, led to the third and final United Nations Conference on the Law of the Sea (see A/C.1/PV.1515). In the spirit of the anniversary of that date, we pause to remember him and the men and women from the Philippines and from all States parties who actively contributed to the vision of peace at sea and of a just and comprehensive rule for the world's oceans and its resources. Ambassador Pardo's vision of the common heritage of humankind, which should help bankroll a fund that would help close the gap between rich and poor nations, is now enshrined in article 136 of UNCLOS.

Using the consensus process, the third Conference made headway on setting territorial and maritime limits, freedom of navigation, archipelagic status, exclusive economic zones, continental shelf jurisdiction, deep seabed mining, the exploitation regime, the protection of the marine environment, scientific research and the settlement of disputes.

On 24 September, we held the High-level Meeting on the Rule of Law at the National and International Levels. We adopted a Declaration (resolution 67/1) that recognizes the institutions, working methods and relationships available to make the rule of law relevant to peace and security, human rights and development. Those institutions include the treaty bodies of UNCLOS.

We reiterate our full support and confidence in those treaty bodies: the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf, together with their leaders, members and secretariats, who are bringing life to the vision of those who went before us. We also express our appreciation to the Division for Ocean Affairs and the Law of the Sea.

The Philippines views the rule of law at the international level through the prism of paragraph 1 of Article 1 of the United Nations Charter, which states that the purposes of the United Nations are:

“to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”.

This is the very rationale of the 1982 Manila Declaration on the Peaceful Settlement of International Disputes, the thirtieth anniversary of which the General Assembly is also commemorating this year.

UNCLOS has never been more important to developing countries like the Philippines than today, when overlapping maritime claims in our part of the world threaten as never before peace and prosperity in our part of the world. UNCLOS provides the proper and proven mechanism for the peaceful settlement of disputes to resolve such claims, in order to ensure global and regional peace, cooperation and stability in the just and sustainable use of marine natural resources. We believe that the rules-based approach in UNCLOS is the way forward in addressing maritime disputes, including in our own region. We acknowledge Ambassador Tommy Koh of Singapore for his statement regarding the role of the International Tribunal for the Law of the Sea and the International Court of Justice in the settlement of disputes.

Our position is clear — we seek calm, peace, free navigation and trade in our region. We renew our call on those involved to avail themselves of the dispute settlement mechanism provided for in UNCLOS, even as we ask them to sustain the dialogue and continue exploring opportunities for cooperation to fulfil our shared aspirations.

In this day and age, the sea should no longer be a source of conflict. If there is anything that the rule of law and UNCLOS teach us, it is that the weak, if their cause is just, should have no fear of the mighty. It is that, through the work of the United Nations, the rule of law in international relations has a chance to prevail. It is that, through the rule of law, we can demonstrate that right is might.

Ultimately, great economic, political and even military power should be used with care, wisdom, compassion and generosity for those who have less. The beginning of moral leadership, one that seeks and builds peace, is none other than responsibility. That is the foundation both of regional harmony and stability and of international peace and security.

Mrs. Dunlop (Brazil): As we gather here today to celebrate the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea (UNCLOS), the near universal membership of the Convention is in and of itself a vehement testimony to the relevance of UNCLOS to settling, in a spirit of mutual understanding and cooperation, all issues relating to the law of the sea and its important contribution to the maintenance of peace, justice and progress for all peoples of the world.

The Convention is considered by some to be the culmination of thousands of years of international relations, conflict and now nearly universal adherence to an enduring order for ocean space that is the most significant achievement for international law since the United Nations Charter. The principle of equity, as applied in the Convention, provides a vantage point from which to underscore its transformative character, for UNCLOS consolidated the vision that the problems of ocean space are closely interrelated and need to be considered as a whole. It aimed at a legal order for the seas and oceans that would facilitate international communication and 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.

The principle of equity is widely applied in UNCLOS in resolving maritime issues. The terms “equity” and “equitable” appear about 32 times in UNCLOS, especially in the areas of maritime boundary delimitation; the sharing of benefits and resources; conflict resolution; and the rights of landlocked and geographically disadvantaged States. It can be argued that like the 1967 Outer Space Treaty before it, UNCLOS, in enshrining in its Part XI the principle of the common heritage of humankind as applicable to the Area and its resources, consecrated equity as the guiding principle for international cooperation beyond areas of national jurisdiction.

At the same time, the Convention also recognizes in Part XI the rights and legitimate interests of any coastal State across whose jurisdiction resource deposits in the Area lie, including the right to take such measures consistent with the relevant principles of Part XII as may be necessary to prevent, mitigate or eliminate grave and imminent danger to its coastline.

We must also celebrate today the vision of those who made the Convention a monument to international cooperation in treaty-making. Arvid Pardo claimed that the concept of the common heritage of humankind, as enshrined in Part XI of the Convention, challenges the structural relationship between rich and poor countries and amounts to a revolution not merely in the law of the sea, but also in international relations.

One can also argue that the general obligation of States, expressed in article 192 of Part XII of the Convention, to protect and preserve the maritime environment is a reflection within UNCLOS of the central principle of sustainable development — that of intergenerational equity. The fulfilment of that general obligation is a condition for enabling the sustainable use of resources not only by present generations but also by future ones, and for averting the foreclosure of applications for resources that the present generation has not yet appreciated but could be valuable for future generations.

In retrospect, that reflects what happened when the Convention was negotiated. At that time, the value of marine biological diversity had not yet been fully appraised. Today, we know that the applications of those resources, particularly in the pharmaceutical industry, can benefit humankind as a whole. That is why we are convinced of the urgent need to develop an implementing agreement under the Convention applicable to the conservation and sustainable use of the biological diversity of areas beyond national jurisdiction.

In conclusion, we should bear in mind that UNCLOS is 30 years young and very much a living document. Some recent developments attest to that and to the relevant role of the three bodies established by the Convention within their respective mandates.

The first advisory opinion issued by the International Tribunal for the Law of the Sea (ITLOS) introduced elements that would be of help to parties not only in interpreting the issue of the responsibility of the sponsoring State for activities in the Area, but also in interpreting the precautionary principle.

Of particular relevance is the ongoing work of the Commission on the Limits of the Continental Shelf in considering the large number of submissions by coastal States. The Commission must continue to enjoy adequate support to enable it to fulfil its mandate under paragraph 8 of article 76 of the Convention in

an efficient and timely manner, and bearing in mind the human and financial resources that coastal States, particularly developing ones, have to deploy in order to prepare and submit information to the Commission on the limits of their respective continental shelves beyond 200 nautical miles.

Also noteworthy is the International Seabed Authority's completion, as warden of the common heritage of humankind, of three mining codes; its approval of five new plans of work for exploring minerals in the deep oceans, bringing the number of active exploration contracts it has issued to 17, compared with only eight in 2010; and the environmental management plan for the Clarion-Clipperton Zone.

We pay homage all those who have contributed through their leadership to the efficient and effective functioning of the three bodies established under the Convention, represented by Judge Shunji Yanai, President of ITLOS; Lawrence Folajimi Awosika, Chairman of the Commission on the Limits of the Continental Shelf; and Nii Allotey Odunton, Secretary-General of the International Seabed Authority. We also greatly appreciate the presence of Judge Christopher Greenwood, representing the International Court of Justice, at today's celebration.

Finally, we wish to commend the initiative of the General Assembly in holding this celebration and the unstinting efforts deployed by the Division of Oceans and the Law of the Sea of the Office of Legal Affairs of the United Nations in organizing it. We also welcome the many activities organized by States parties to mark this anniversary.

Mr. Tladi (South Africa): The United Nations Convention on the Law of the Sea is an impressive, monumental achievement of lawmaking. It is therefore not surprising that it has been hailed as a constitution for the oceans and the framework within which all activities in the oceans are to be governed. Its momentous comprehensiveness is matched only by the tireless efforts of the negotiators during the third United Nations Conference on the Law of the Sea. Many States, and indeed many individuals, contributed immensely to its success, and it is fitting that we pay tribute to them by commemorating the thirtieth anniversary of its birth.

Since December 1982, many States and individuals have also contributed immensely to its continuing growth. All of them — whether acting as representatives,

members of the various institutions created to oversee different aspects of the Convention, academics contributing to its understanding and development, members of civil society pushing its boundaries in a way that ensures its continued effectiveness, the Secretariat, whose contributions are felt but often unrecognized — should be paid tribute to today.

It was once said that the

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

In the powerful 1967 speech from which that beautiful and poetic passage was drawn, Ambassador Arvid Pardo spoke both of the potential benefits and of the incalculable dangers that technological advances in deep-sea capabilities held. I have quoted from this beautiful, poetic passage not only because it is beautiful and poetic; I have quoted from this passage not only to pay tribute to the man on whom the title of “father of the Convention” is bestowed, although that is surely one of the reasons. We have quoted from it also because in it we see what inspired him and consequently what the founding rationale for the Convention is — the twin desires of ensuring both the survival of life on Earth and a better life for all who live in it. Those desires translate into inter- and intra-generational equity and constitute the essence of sustainable development.

As we mark the thirtieth anniversary, it is important that we remember that this is what is at the heart of the Convention. Indeed, the Convention, in living up to its constitutional character, contains an impressive catalogue of provisions designed to give effect to those two desires while also creating institutions to oversee its objectives. The many environmental provisions of the Convention contained in Part XII are well known and need not be restated. To those we can add the regime-specific environmental provisions in Parts V, VII, XI and XIII of the Convention, which add to the richness of the body of environmental protection

measures designed to promote inter-generational equity, protect life on Earth, and ensure that our penetration into the oceans does not mark the end of life as we know it. The intra-generational provisions of the Convention, designed to promote a better life for all of Earth’s inhabitants, are equally well known and include the provisions of article 59 and, most importantly, the common heritage of humankind regime established in Part XI of the Convention.

While the principle of the common heritage of humankind is the most important contribution that the Convention has made to international law, perhaps its most enduring quality is its constitution-like character. That character derives not purely from its comprehensiveness, but also from the hierarchy it creates—the quintessential quality of constitutionalism. Like any constitution, the Convention reserves for itself a place of primacy. However, it creates the possibilities for a detailed normative mosaic established by States and organizations through agreement.

As we stand back and take stock of all that has been achieved in the past 30 years, we should also seek to enrich this mosaic by ensuring that the twin vision of Ambassador Pardo continues to live on through the framework of the Convention. The process initiated by the General Assembly in resolution 66/231, together with the commitment of our world leaders to reaching a decision on an implementing agreement by the end of the Assembly’s sixty-ninth session, provide an excellent opportunity to enrich our mosaic in this way.

To that end, I would like to restate what we said in 2009. The common heritage of mankind principle is not solely about benefit-sharing; it is just as much about conservation and preservation. The principle is about solidarity not only in the preservation and conservation of a good we all share and therefore should protect, but also in ensuring that this good, which we all share, is for the benefit of us all. Our continued and steadfast call for an implementing agreement for the Convention on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction is rooted in our desire to contribute to that mosaic of the Convention in faithful fulfilment of Ambassador Pardo’s vision.

Mr. Zegers Santa Cruz (Chile) (*spoke in Spanish*): I speak on the occasion of the thirtieth anniversary of the United Nations Convention on the Law of the Sea (UNCLOS) and the great Conference that prepared it, at which I had the honour to lead the Chilean delegation

from the preparatory stage up to its signing in Montego Bay.

The United Nations Convention on the Law of the Sea (UNCLOS) is a monumental diplomatic and legal achievement. It regulates human activity in more than two-thirds of the planet, stating the basic rules governing the seas and oceans, and covering their widespread uses. It is truly, as it has been called, the constitution of the oceans.

The Third United Nations Conference on the Law of the Sea was the largest and certainly one of the most important meetings of its kind in the twentieth century; it was a notable success of international cooperation, the United Nations and the history of codification. Practically all of the world's nations participated in the preparation of the Convention and are now operating under its legal force. Through conventional or customary law it is the law of the sea; through the Convention it can be said to have become universalized as the law of the sea.

Despite its breadth and content, it was negotiated by consensus, as manifested by its general acceptance by the vast majority of States that are party to it as well as by those few that still are not, as we heard earlier in this Hall. That long, participatory negotiating process and its outcome constitute a valuable model for other exercises in the progressive development of international law.

The Convention enjoys general consensus, and its central rules have become part of international custom. It is respected and implemented by most States, and is applied by international courts. It has given rise to a genuine legal system. Other instruments have been forged under its auspices, including the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and the regional fisheries management arrangements; the development of law concerning the seabed beyond national jurisdiction; agreements or understandings on port use; numerous instruments concerning pollution and scientific research, along with other legal texts related to the major subjects of such research, as well as extensive case law, doctrine and international practice.

As was clearly noted at the Meeting of the Parties, the Convention is a binding legal framework for all

ocean activities that relate to the oceans and seas. It completely covers their use, including communication, economic exploitation, fishing, scientific research, pollution and general matters of peace and security. It has appropriately defined and described maritime territory and the scope of national jurisdiction and the freedom of the seas.

It is worth highlighting some of the key achievements within its broad ambit. These include the establishment of an unprecedented mandatory dispute settlement system that guarantees stability, compliance with the Convention's mandates, as well as its fair implementation; a regime and an Authority charged with governing the seabed beyond national jurisdiction based on its designation as the common heritage of humankind, a topic that has been widely discussed at this commemorative meeting; and a regime for the economic exploitation of the seas and oceans based on an exclusive economic zone of 200 miles for coastal States and the freedoms of the high seas. I would like to dwell for a moment on that fundamental institution, which is the core of the new law of the sea.

The Convention defined the reach of territorial sovereignty as up to 12 miles or the territorial sea; an exclusive economic zone of 200 miles over which the coastal State exercises sovereign rights and jurisdiction without affecting international freedom of communication; and the high seas, where traditional freedoms are preserved. In the exclusive economic zone, the coastal State exercises sovereign rights over resources and other economic uses, and holds jurisdiction over scientific research, pollution and other matters. Third States enjoy freedom of navigation and overflight.

The universal force of that institution has allowed for peaceful cooperation and greater order in the oceans, greater care of the marine environment, and improved conservation and more equitable use of fishing resources. Latin America, including my country, may be said to have played a decisive role in the conception, negotiation and success of the 200-mile exclusive economic zone, including through an important contribution of my country.

In 1947, Chile was the first State in the world to declare a 200-mile maritime area under its jurisdiction, which it subsequently designated as an economic zone. The 1952 Declaration on the Maritime Zone between Chile, Peru and Ecuador established a 200-mile

maritime zone inter se and universally. Other separate declarations of jurisdiction followed that South Pacific pact, which was joined by Colombia. Subsequently, in 1970 and thereafter, during the regional meetings held in Lima, Montevideo and Santo Domingo, a 200-mile maritime zone was defined, with economic implications for almost the entire region.

However, it was thanks to the deep involvement of the countries of the South Pacific and Latin America that the new law was conceived, developed and finalized as part of the great Conference whose anniversary we celebrate today.

Between 1970 and 1973, during what we could call the pre-Conference era, and then in the Seabed Committee and the Preparatory Committee, the concept of a 200-mile economic zone was outlined, developed and supported. There was growing support for a legal concept that would provide an international solution to adequately address appropriate fishing and other economic uses, while ensuring equitable treatment of all stakeholders, the protection of the environment and its resources, and freedom of navigation and overflight and their consequences.

During that period, an informal regional group of coastal States was formed to work to develop the new concept. Beyond Latin America, the concept was discussed in the Asian-African Legal Committee and became the subject of numerous African proposals, legal theses, consultations, comments and writings from a variety of sources. The notion was added to the list of subjects and issues — or pre-conference agenda — for the Preparatory Committee of the Conference. The resolution calling for a broad, unified and comprehensive conference that would address all the problems of the seas and oceans gave due importance to that legal concept and to the need for its subsequent development.

During that same preparatory period, in what would come to be a decisive moment, the Evensen Group, named for the Norwegian jurist who informally convened a small group of experts from around the world to represent different realities and stakeholders. The group narrowed and modified positions that later informed successive informal negotiating texts that, in turn, formed the basis of the extensive work by consensus of the Conference.

The African presidents' agreement of 1973 — which, based on a text from Kenya, declared a

200-mile economic zone as a regional definition — was a decisive element in the international negotiations. With that precedent, when the actual Conference started in 1974 there was already a majority that favoured some form of a maritime zone of 200 miles with a sovereign but economic content, without affecting international communication. That was then reflected in a draft submitted by a dozen countries, including Chile, from all regions during the first substantive session of the Conference in 1974. The draft set out the elements of what would become the final solution, namely, a territorial sea of 12 miles, an economic zone of 200 miles and, beyond that, the high seas with all their features. It included the basic characterization of the exclusive economic zone.

In the subsequent informal texts presented by the presidents of the Commissions starting in 1975, which formed the basis of the future Convention, the 200-mile exclusive economic zone was developed and fine-tuned until its final terms were established in the draft Convention that was adopted and signed in 1982. Years before the end of the Conference, and as a result of it, the exclusive economic zone of 200 miles was considered to be part of the law of the sea and international custom — as the International Court of Justice itself acknowledged.

The United Nations Convention on the Law of the Sea is alive and operational, as was reaffirmed by the Meeting of the Parties and now by the General Assembly. It legally governs the seas and the oceans and has led to a broad and working system of law. This is a welcome commemoration of its thirtieth anniversary, which must be extended to the unforgettable and ever present third United Nations Conference on the Law of the Sea.

Tribute is due to the almost 150 States that participated in negotiating the Convention, as well as to the United Nations, within which it was negotiated. Tribute is also due to the respective individuals — representatives and members of the Secretariat alike — who led the complex and ambitious negotiations, which lasted 14 years, to a successful conclusion. In these few minutes, I can only commend them by naming Conference Presidents Hamilton Shirley Amerasinghe and Tommy Koh, who we heard speak this morning, and Under-Secretary-General Ambassador Bernardo Zuleta.

Chile is a maritime and fishing country and a constant participant in the Conference and the

Convention, as well as an active party and beneficiary of the new law, especially of the 200-mile exclusive economic zone, which it was the first country in the world to declare. It therefore participates and applauds this just and important commemoration, as well as the significance and influence of the Convention on the present and future reality of the seas and the oceans.

Mr. Nishida (Japan): At the outset, I would like to express my sincere congratulations on the thirtieth anniversary of the United Nations Convention on the Law of the Sea (UNCLOS). Japan, as a State party to UNCLOS, takes pleasure in today's commemorative meeting, held on the 10 December, the very day when UNCLOS was opened for signature 30 years ago.

Japan, as a maritime State surrounded by the sea, has held significant stakes in the various uses of the ocean, including fishing, transportation and the utilization of marine resources. Japan firmly believed that in order to achieve the full utilization of the rich potential of the sea over the long term, the establishment of a framework for the orderly shared use of the seas and oceans would serve the interests of Japan and those of the international community as a whole.

With regard to the third United Nations Conference on the Law of the Sea, based on that conviction and bearing in mind the emerging needs of the era as well as the particular interests and needs of developing countries, Japan worked hard with a view to establishing a new, stable and fair legal order of the sea. Memorial essays by the Japanese fathers of UNCLOS contained in the commemorative booklet published by the Division for Ocean Affairs and the Law of the Sea show how actively Japan engaged at that Conference.

The level of interest in UNCLOS and the law of the sea remains very high in Japan. In this thirtieth commemorative year, a number of conferences and symposiums have been held by private-sector organizations and academic societies.

In the 30 years since the opening for signature of UNCLOS, and during the 18 years since its entry into force, the international community has steadily made efforts to establish a legal order for the seas and oceans under the Convention. In that regard, I would like to express my heartfelt praise to the three organs that were established under the Convention, namely, the International Tribunal for the Law of the Sea (ITLOS), the International Seabed Authority and the Commission on the Limits of the Continental Shelf (CLCS).

Japan has actively contributed to the work of those organs since their establishment — for example, by providing resources for the judges of the Tribunal and members for the CLCS. Similarly, Japan recently made contributions totalling approximately \$350,000 to the trust fund for the purpose of defraying the costs of participation in meetings of the CLCS by members from developing States. We hope that Japan's contributions will facilitate efficient work by the Commission, which is required to deal with the numerous submissions made by States.

Japan has promoted the rule of law in the international society. At the High-level Meeting on the Rule of Law at the National and International Levels, held at Headquarters on 24 September, Mr. Koichiro Gemba, Minister for Foreign Affairs of Japan, firmly reiterated the importance of international courts and tribunals as a means to settle international disputes peacefully in accordance with the law (see A/67/PV.5). In order to facilitate the use of international courts and tribunals, Minister Gemba called upon all States that had not yet done so to accept the compulsory jurisdiction of the International Court of Justice and to accede to UNCLOS.

It goes without saying that, in order to enhance the rule of law in the oceans, it is of crucial importance that the peaceful dispute settlement mechanism of UNCLOS be effectively operated. With regard to ITLOS, which was established under UNCLOS, we are pleased to see that, with the issuance of an advisory opinion by its Seabed Dispute Chamber and the rendering a judgment in a dispute related to the delimitation of maritime zones, the Tribunal is steadily expanding its activities in various fields of law of the sea. Very recently, the twentieth case was brought before the Tribunal, which reflects, in our view, the ever-growing trust of the international community in the Tribunal.

Today we celebrate the thirtieth anniversary of UNCLOS, to which there are a total of 164 parties, including the European Union. For the past 30 years, UNCLOS has continuously faced new challenges arising from exigencies of the era. Having passed the test of time for 30 years, UNCLOS has attained, both in name and in substance, its status as the "constitution for the oceans", serving as the very basis of the international legal order for the oceans.

Japan believes that, with a view to maintaining legal stability, it is crucially important for the international

community to continue to address emerging issues regarding the law of the sea within the framework of UNCLOS. I would like to conclude my statement by reiterating Japan's determination to continue to devote its utmost efforts to continue to support the establishment and maintenance of a stable and fair international legal order of the sea.

Mr. Sinhaseni (Thailand): Thailand joins in commemorating this important anniversary of the opening for signature of the United Nations Convention on the Law of the Sea (UNCLOS) 30 years ago.

At the outset, Thailand associates itself with the statement delivered by the representative of the Republic of Korea at the 49th plenary meeting on behalf of the Group of Asian and Pacific States.

My delegation welcomes in particular the presence of Ambassador Tommy Koh of Singapore, President of the third Conference. Let me also thank the Division for Ocean Affairs and the Law of the Sea of the Secretariat for its initiative in convening this special commemorative meeting.

UNCLOS is recognized as one of the most sophisticated and comprehensive Conventions. In establishing the law of the sea framework, it successfully integrates all aspects of the law of the sea, including maritime zones, navigation, natural resources, the marine environment and marine scientific research. The Convention is rightly praised for its inclusiveness and comprehensiveness in all marine-related aspects and is aptly known as the "constitution for the oceans". For all of us, the conclusion of UNCLOS was indeed a milestone for the law of the sea. The increasing number of State parties reflects its importance and relevancy 30 years on.

Thailand is proud to be one of the countries that actively took part in the drafting process of the law of the sea conventions. His Royal Highness Prince Narathip Prabhanbongse was President of the first two United Nations Conferences on the Law of the Sea, held in 1958 and 1960, respectively. Thailand was also very active in contributing to the third United Nations Conference on the Law of the Sea, held between 1973 and 1982, which led to the conclusion of UNCLOS. Last year, we became the one hundred and sixty-second State member of UNCLOS. We are happy to note that that number now stands at 164.

On this important commemorative occasion, Thailand wishes to note in particular those aspects of UNCLOS that we find to be groundbreaking. First of all, the Convention clearly defines the rights and duties of coastal and non-coastal States with specific scopes of jurisdiction by clearly dividing maritime zones into five categories: internal waters, territorial sea, exclusive economic zone, continental shelf and high seas. At the same time, it integrates well-balanced provisions concerning the rights of developed States, developing States, geographically disadvantaged States and landlocked States. It also provides an overarching framework for the conservation and protection of the marine environment and natural resources. In addition, it enhances cooperation among States, regardless of whether they are potentially capable of exploiting natural resources or not, by establishing the International Seabed Authority to oversee the management of those resources. Finally, UNCLOS should be recognized as an exceptional law of the sea convention for stipulating several optional and compulsory procedures in its dispute settlement regime.

Thailand wishes to continue to be an integral part of the development of UNCLOS, in step with the International Tribunal for the Law of the Sea, the Commission on the Limits of the Continental Shelf and the International Seabed Authority. In that connection, let me express Thailand's sincere appreciation for the high quality of work of the International Tribunal, the Commission and the International Seabed Authority, as well as their invaluable contributions to the development of the law of the sea.

Finally, on this important thirtieth anniversary, we would also like to encourage States that have yet to ratify UNCLOS to consider becoming parties to the Convention. We hope and expect that UNCLOS will become the first convention ratified by the largest possible number States. We believe that is well within the realm of possibility, as the underlying principle of UNCLOS is that the seas and oceans should be reserved for peaceful and sustainable use. We therefore hope to see the seas and oceans connect and bind all members of the international community in good faith, cordiality, trust and cooperation.

Mrs. Morgan (Mexico) (*spoke in Spanish*): It is an honour to participate in this meeting commemorating the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea (UNCLOS).

The Convention is one of the most important international legal instruments of the Organization and serves as the basis upon which all activities on the oceans and seas must be developed FOR the good of humankind.

As one of the first signatories and the third country to ratify the Convention, Mexico welcomes the universal character of the Convention, which includes countries in both hemispheres, island States, coastal States and landlocked countries. At the same time, we reiterate our commitment to the principles and values promoted by the Convention and reaffirm the validity of the regime of the oceans, which has contributed to the rule of law and to the creation of a space for peace, development and cooperation.

Advances made in dispute settlement and the peace and security of the oceans under the framework of the Convention are universally recognized. At this commemorative meeting, Mexico would like to highlight the importance of the institutional framework established by the Convention and the work of other bodies that have contributed to its objectives. Those include the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf, which have played a crucial role in guaranteeing the unity and coherence of the oceans regime.

For Mexico, it is highly gratifying to witness the growing judicial and advisory activity of the Tribunal as a dispute-settlement body under the Convention. Furthermore, the Commission is functioning dynamically and effectively, given the interest in establishing the limits of the continental shelf beyond 200 nautical miles.

Along with those institutions, we must also recognize the roles of others that have been strategic factors in the development of the legal regime on the oceans, such as the International Court of Justice, in terms of the peaceful settlement of disputes; the International Maritime Organization, in the area of maritime security and the protection of the marine environment; the Intergovernmental Oceanographic Commission, in the area of marine scientific research and the transfer of marine technology; and the Food and Agriculture Organization of the United Nations and regional fisheries organizations, in terms of the conservation and development of living marine resources.

Likewise, the success of this legal instrument is reflected in Part XI of the Convention, whose implementation through the 1994 Agreement wisely integrates the current world situation with a vision of the future to ensure that the concept of the common heritage of humankind will become a reality today. In that context, we commend the determination of the International Seabed Authority to fulfil the goals of those instruments.

The opening for signature of the “constitution on the oceans” at the time represented the height of the spirit of cooperation needed to achieve unprecedented legal progress. Participating countries were privileged witnesses as obstacles to close and effective cooperation among nations were eliminated, thereby providing one of the most successful examples of global governance.

However, the oceans regime continues to pose significant challenges in areas including the protection of the marine environment, access to living resources, maritime security, promoting capacity-building, coordination and cooperation, and sustainable development, including as it pertains to marine biodiversity beyond national jurisdictions.

Mexico is convinced that the Convention remains the fundamental framework in efforts to confront those challenges, with its unique, meaningful historic role in ensuring that future generations will benefit from the oceans as a common heritage of humankind, as envisaged by Ambassador Arvid Pardo, and as an essential contribution in the maintenance of peace, justice and progress for all of the peoples of the world.

Mr. Heidar (Iceland): The United Nations Convention on the Law of the Sea is, without doubt, one of the greatest achievements in the history of the Organization. The Convention, which is the first and only comprehensive treaty in this field, provides the legal framework for all uses of the oceans, as well as their superjacent air space and subjacent seabed and subsoil.

Probably no other treaty adopted after the establishment of the United Nations has contributed so much to peace, security and the rule of law in the world. It is difficult to imagine what the situation would be like today on the oceans and seas without the Convention.

Today we pay tribute to the framers of the Convention from all States that participated in the third United Nations Conference on the Law of the Sea.

Under the leadership of the late Hans G. Andersen, Iceland played an important role in the evolution of the law of the sea in the second half of the past century. That evolution took place both on the oceans and in the conferences, in particular at the third Conference. Ever since that time, Iceland has been a strong proponent of the Law of the Sea Convention and was the first Western country to ratify it, in 1985.

As we commemorate the thirtieth anniversary of the Law of the Sea Convention, we can affirm that the Convention has stood the test of time. We must, however, never take the Convention for granted and stay conscious of the need to preserve its integrity and implement its provisions to the fullest. Issues that were settled at the third Conference should not be reopened. It must be borne in mind that the conclusions of the Conference were regarded as a package; while individual States prevailed in some areas, in others they had to give in.

We welcome the recent ratifications of the Convention by Ecuador and Swaziland, bringing the total number of States parties to 164, and call on those States that have not yet done so to ratify the Convention in order to fully achieve the goal of universal participation. In that regard, I was happy to hear the statement made by the representative of the United States this morning.

On this joyous occasion, it is a source of particular satisfaction that the three institutions established under the Convention are all functioning well and are more active in their work than ever before. The International Seabed Authority has concluded a growing number of contracts for the exploration for polymetallic nodules and sulphides, is attending to the drafting of a mining code and is elaborating rules, regulations and procedures to ensure the effective protection of the marine environment in the Area.

There is also substantial growth in the judicial activities of the International Tribunal for the Law of the Sea, not only in terms of the number of cases but also as regards the complexity and variety of matters before the Tribunal.

The Commission on the Limits of the Continental Shelf has received 61 submissions from coastal States, including Iceland, regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, as well as 45 preliminary information notes. Further submissions are expected in the near future.

The Commission has already made 18 recommendations to coastal States. We welcome the decision of the Commission taken at its thirtieth session, in August, regarding the workload of the Commission, including extending the duration of its sessions here in New York next year to 21 weeks in total, as well as taking measures to ensure that six subcommissions can actively consider submissions at any given time.

Although the Commission is not a decision-making body, its recommendations carry particular weight, as they form the basis for the establishment of final and binding outer limits of the continental shelf by a coastal State.

It should be highlighted that, according to article 76, paragraph 8, of the Convention, the Commission shall make recommendations to coastal States on "matters related to the establishment of the outer limits of their continental shelf". It is important to bear in mind that that includes not only recommendations on the actual outer limits, but also the precursory test of appurtenance, namely, examining whether the continental shelf reaches beyond 200 nautical miles or not. That important function is the prerogative of the Commission.

A crucial part of promoting the Law of the Sea Convention and preserving its integrity is through education and capacity-building.

I want to take this opportunity to draw attention to the Rhodes Academy of Oceans Law and Policy, which annually offers a renowned three-week summer course in Rhodes, Greece. The basic objective of the Rhodes Academy is to promote the rule of law in the world's oceans through education on the provisions of the Law of the Sea Convention and related instruments. The Rhodes Academy is a cooperative undertaking by five institutions — the Centre for Oceans Law and Policy, Charlottesville, Virginia — and I am happy to recognize its Director, Mr. Jonathan Moore, who is here with us today; the Aegean Institute of the Law of the Sea and Maritime Law in Rhodes, the Law of the Sea Institute of Iceland in Reykjavik, the Max Planck Institute for Comparative Public Law and International Law in Heidelberg and the Netherlands Institute for the Law of the Sea in Utrecht. The Centre for International Law in Singapore and the Korea Maritime Institute in Seoul are associate sponsors of the Rhodes Academy. The Rhodes Academy has, in the past 18 years, graduated almost 700 students from more than 130 countries. It is

perhaps the clearest sign of the success of the Academy to see how many Rhodes graduates represent their countries regularly at meetings on ocean affairs and the law of the sea here at the United Nations, including today.

Turning now to the draft resolutions to be considered at this session on oceans and the law of the sea (A/67/L.21) and on sustainable fisheries (A/67/L.22), I want to thank my colleagues for the excellent cooperation and good spirit during the negotiations of both draft resolutions. I note with particular satisfaction the convergence of views that characterized this year's negotiations. I would like to express my thanks to the two coordinators, Ambassador Eden Charles of Trinidad and Tobago and Ms. Alice Revell of New Zealand, each of whom conducted the informal consultations on the draft resolutions for the first time. They each did so in his or her own way, but both successfully. Furthermore, I would like to express my appreciation for the high standard of assistance provided to Member States by the Division for Ocean Affairs and the Law of the Sea (DOALOS) through the preparation of reports and other activities. The Director of the Division, Mr. Sergey Tarasenko, who will retire early next year, deserves special tribute.

Being so overwhelmingly dependent upon the oceans, Iceland attaches great importance to the long-term conservation, management and sustainable use of living marine resources and to the obligation of States to cooperate to that end in accordance with international law, in particular the Law of the Sea Convention and the United Nations Fish Stocks Agreement. We welcome the reaffirmation of those goals in the draft resolution on sustainable fisheries.

The United Nations Fish Stocks Agreement is of paramount importance, as it provides the legal framework for the conservation and management of straddling and highly migratory fish stocks by regional fisheries management organizations. The effectiveness of the Agreement depends upon its wide ratification and implementation, in particular by fishing States. We therefore welcome the recent ratifications of the Agreement by Morocco and Bangladesh, which bring the total number of States parties to 80, and call on those States that have not yet done so to ratify the Agreement in order to achieve the goal of universal participation.

I would like to express my country's appreciation for the work done by the Food and Agriculture Organization

of the United Nations, in particular its Committee on Fisheries. Iceland attaches great importance to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, which the first global treaty focused specifically on the problem of illegal, unreported and unregulated fishing.

In the negotiations of the draft resolution on oceans and the law of the sea, a considerable amount of time was devoted to discussing UN-Oceans, the inter-agency coordination mechanism on ocean and coastal issues within the United Nations system, and the Oceans Compact — Healthy Oceans for Prosperity, the initiative of the Secretary-General. Member States considered the draft terms of reference for UN-Oceans and made preliminary comments focused on the need to strengthen the central role of DOALOS and to enhance transparency and reporting of the activities of UN-Oceans to Member States. As reflected in the draft resolution, UN-Oceans is requested to draft revised draft terms of reference for its work for consideration and approval by the General Assembly at its next session. As far as the Oceans Compact is concerned, the Assembly requests the Secretary-General to undertake open and regular consultations with Member States on all aspects of that initiative.

Iceland has taken an active part in the meetings of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. The draft resolution provides for the convening of two back-to-back workshops in May next year, one on marine genetic resources and the other on conservation and management tools, including Area-based management and environmental impact assessments. The workshops serve to improve the understanding of those complex issues and to clarify key questions as an input to the work of the Working Group, which will hold its next meeting in August next year.

Iceland welcomes the Outcome Document of the United Nations Conference on Sustainable Development entitled "The future we want" (resolution 66/288, annex), in which the international community stressed the importance of the conservation and sustainable use of the oceans and seas and of their resources for sustainable development. States recognized the significant contribution of fisheries to the three dimensions of sustainable development and stressed the crucial role of healthy marine ecosystems, sustainable

fisheries and sustainable aquaculture for food security and nutrition and in providing for the livelihoods of millions of people. The outcome relevant to oceans and seas is properly reflected in the two draft resolutions.

In “The future we want”, States noted with concern that the health of oceans and marine biodiversity was negatively affected by marine pollution, including marine debris, from a number of marine and land-based sources. They also committed to taking action to reduce the incidence and impacts of such pollution on marine ecosystems, including through the effective implementation of the relevant conventions adopted in the framework of the International Maritime Organization and the follow-up of the relevant initiatives such as the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities.

In Rio, States also agreed to call for support for initiatives that address ocean acidification and the impacts of climate change on marine and coastal ecosystems and resources and, in that regard, reiterated the need to work collectively to prevent further ocean acidification and to support marine scientific research, monitoring and observation of ocean acidification and particularly vulnerable ecosystems. In that context, Iceland welcomes the choice of topic for the fourteenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, to be held in June next year, which will focus its discussions on the impacts of ocean acidification on the marine environment.

Finally, the famous British writer Arthur C. Clarke once commented: “How inappropriate to call this planet Earth, when it is quite clearly Ocean.” Oceans are constantly growing in importance in the work of the United Nations, along with an increased awareness that oceans, seas and coastal areas form an integrated and essential component of the Earth’s ecosystem and are critical to sustaining it.

There are many challenges ahead in the field of ocean affairs and the law of the sea; I have touched upon just a few of them here. It is my sincere hope that we will be able to deal with those issues in the same spirit of cooperation and consensus that characterized the negotiations of the draft resolutions this year. We would then be following in the footsteps of our forefathers who 30 years ago adopted the “constitution of the oceans”, the United Nations Convention on the Law of the Sea.

Mr. Ceriani (Uruguay) (*spoke in Spanish*): Today, as we celebrate the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea, we wish to confer well-deserved recognition to that very important international treaty, given its impact, importance and significance in the international sphere, and particularly in encouraging the progressive development of international law in accordance with the provisions of Article 13, subparagraph 1 (a) of the Charter of the United Nations.

From the juridical point of view, we can say that the Convention is a true “constitution for the sea”, with the goal of regulating the largest physical area on the planet, and we emphasize the universal and unique character that has shaped it into a legal framework within which every activity in and on the oceans and the seas must be carried out. To accomplish that task, the Convention distinguishes between different areas, according to the volume and surface of water in their makeup, as well as in the seabed and subsoil, giving each a specific and unique legal system, established through three bodies: two of a technical nature dealing with the seabed and ocean floor, the Commission on the Limits of the Continental Shelf and the International Seabed Authority, and one jurisdictional, the International Tribunal of the Law of the Sea.

We should note that the Convention also established innovative legal concepts, such as the consideration of the seabed and the ocean floor as the common heritage of humankind. The legal framework provided by the Convention, to be interpreted alongside the Charter of the United Nations, is a continually evolving normative system reflected in the actions of the entities it encompasses: the International Tribunal of the Law of the Sea, which hands down judgments and advisory opinions; the International Seabed Authority, which regulates and authorizes; and the Commission on the Limits of the Continental Shelf, which makes recommendations.

Through those actions, the regulations and procedures designed to improve the law of the sea are being built and strengthened. Today we can say with certainty that in the course of these 30 years, the Convention has proved adequate to the pursuit of its goal, which itself is the fundamental goal of the Charter of the United Nations, the consolidation of peace among nations. For that reason, we should congratulate those who instigated and achieved the adoption of the Convention in the period leading up to its opening for

signature on 10 December 1982. Among that group of men and women from all over the world, Uruguay would like to recall two of its citizens who played a prominent part in the long and arduous process demanded by the adoption of the Convention — Mr. Julio Cesar Lupinacci and Mr. Felipe Paolillo — and, along with them, all the participants in this major effort.

During this session of the General Assembly, in which we held the High-level Meeting on the Rule of Law at the National and International Levels, may today's commemorative event serve to remind us of the irreplaceable value of our international legislature as a key actor in the process of establishing legal norms and peacefully settling disputes among the nations of the world.

Mr. Caramitsos Tziras (Greece): Today we commemorate the thirtieth anniversary of the opening for signature, in 1982, of the United Nations Convention on the Law of the Sea (UNCLOS), which has been described by the President of the third United Nations Conference on the Law of the Sea as a monumental achievement of the international community, second only to the Charter of the United Nations and a "constitution for the oceans" that would stand the test of time. Truer words were never spoken. The drafters of the Convention, to whom we pay tribute today, not only succeeded in adopting a comprehensive treaty dealing with almost every aspect of the oceans, they also created a treaty capable of adapting to new realities and challenges, whether involving new uses of the seas or traditional ones that have acquired new importance or are the result of new conditions, new technological developments and even new needs.

By establishing the legal framework within which all activities in the oceans and seas must be carried out, the Convention promotes the stability of the law as well as the maintenance of international peace and security. Among other things, it has replaced a plethora of conflicting claims by coastal States with universally agreed limits on the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf; it has unequivocally accepted that islands enjoy the same status, and therefore the same maritime rights, as other lands; it has encouraged the development of important new rules for protecting and preserving the marine environment from pollution; and strengthened the international community's interest in freedom of navigation; the peaceful settlement of disputes and the prevention of the use of force.

The universal character of the Convention on the Law of the Sea is evidenced not only in its universal language and purpose and in its commitment to settle all law-of-the-sea issues on the basis that they are interrelated and should be considered as a whole, but also and primarily in its unprecedented, almost universal, participation. To date, 164 States parties, including the European Union, are bound by its provisions. In addition, international jurisprudence has long accepted that most of its provisions either embody or reflect customary international law.

The view has occasionally been expressed that the Convention is not capable of dealing with new challenges such as piracy, illicit trafficking in narcotic drugs or human beings, the protection of marine biodiversity in areas beyond national jurisdiction or genetic resources. We do not share that view, nor do we agree with those who say that there are gaps in the Convention. There may be inadequacies and shortcomings or an absence of specific regulation, which is inevitable when we are dealing with new uses that did not exist at the time that the Convention was adopted; but there are no legal gaps. The Convention on the Law of the Sea deals with each jurisdictional zone separately, and in addition to its specific provisions, it has residual regimes. For example, in the area of internal waters, the territorial sea and archipelagic waters, the residual regime is that of territorial sovereignty; in the area of the high seas, the freedom of the seas and the exclusive economic zone, the residual rule is that of article 59. In other words, activities that are not specifically regulated by the Convention are not carried out in a legal vacuum; on the contrary, they are governed by general principles or residual rules.

It would be unrealistic to expect a framework convention such as the Convention on the Law of the Sea to incorporate all the detailed provisions that may be required for regulating a specific activity. It should be recalled, however, that with respect to the protection of the marine environment, the Convention incorporates by reference the international rules and standards established through whatever may be the competent international organization or diplomatic conference.

In some cases, general principles may be inadequate to deal with new realities, therefore new rules must be developed. Indeed, the adoption of the Convention on the Law of the Sea has not stopped, and could not stop, the development of international

law; on the contrary, the Convention addresses its relationship with other international agreements, both existing and potentially in the future. Therefore, if new rules have to be developed, they may take the form of an implementing Agreement, such as that relating to the implementation of Part XI of the Convention, the 1995 United Nations Straddling Fish Stocks Agreement or the proposed adoption, currently being considered, of a new UNCLOS implementing agreement on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction.

Greece has always been a keen supporter of the Convention on the Law of the Sea, which constitutes an important pillar of its foreign policy and a reference point in its bilateral relations on marine issues. Along with our European Union partners, we firmly believe that the United Nations Conference on the Law of the Sea is a factor for stability, peace and progress and that it has special importance in a difficult international context. It is therefore important to preserve the Convention's integrity and its pre-eminent role as the legal framework for all ocean issues and ocean-related activities by calling upon all States that have not done so to become parties to the Convention in order to achieve the goal of universal participation.

Turning now to the two draft resolutions on oceans and the law of the sea (A/67/L.21) and sustainable fisheries (A/67/L.22) that will be considered at this session, we would like to express our appreciation to the coordinators for their tireless efforts during the negotiations to reach consensus, and to all delegations for their cooperative spirit. We also wish to express our gratitude to the Secretariat Division for Ocean Affairs and the Law of the Sea for the work done during the year, including the preparation of the annual report on oceans and the law of the sea (A/67/79).

This year's omnibus draft resolution has particular significance in that it marks the thirtieth anniversary of the opening for signature of the Convention. The renewed commitment of all States to respecting the public order of the oceans and the rule of law is therefore more appropriate and relevant than ever.

Ms. Burgstaller (Sweden): On 10 December 1982, Sweden was among the 158 States to sign the United Nations Convention on the Law of the Sea (UNCLOS). Sweden ratified the Convention on 25 June 1996. In its bill to Parliament, the Government of Sweden described UNCLOS as a nearly complete set of rules for the

peaceful use of the sea. The Government of Sweden underlined that UNCLOS established a delicate balance between the rights and obligations of States — on the one hand, the interest of the coastal State in controlling activities in areas off its coast and, on the other hand, the right of all States to enjoy and to use the high seas without unnecessary limitations.

Since the adoption of UNCLOS, Sweden has been a strong supporter of the Convention and the bodies established by it, namely, the Commission on the Limits of the Continental Shelf, the International Seabed Authority and the International Tribunal for the Law of the Sea.

As one of the most extensive and comprehensive instruments adopted by the United Nations to date, UNCLOS covers a wide range of issues related to the peaceful use of the sea. It has proved to be a reliable tool as the legal framework applicable for areas of great importance, such as the Arctic Ocean and the Pacific region.

With few exceptions, the Convention reflects existing customary law. However, it is important not to underestimate the value and power of a binding international convention. The risk of creeping jurisdiction is more easily avoided if States are bound by a convention that clearly defines rights and obligations. Also, it is beneficial to international peace and security when a large number of States of the world are bound by identical international rules. Sweden therefore actively encourages States to accede to UNCLOS and welcomes all States that have done so. More than once, UNCLOS has proved to be a powerful instrument in avoiding and settling disputes. Sweden would like to underline the importance of the peaceful settlement of international maritime disputes in accordance with the principles enshrined in UNCLOS.

The protection of the marine environment is a matter that is close to Sweden's heart. In that respect, UNCLOS is a powerful and comprehensive instrument that creates a binding treaty obligation to protect and preserve the marine environment and to cooperate in that regard.

Let me take a moment to look towards the future and the challenges that may lie ahead in the years to come. With the scientific and technical developments that are under way, we will be able to access and to exploit the resources of the oceans to a much larger extent than the negotiators of the Convention could

have envisaged. The technical possibility of exploiting the mineral resources in the Area must be accompanied by careful environmental and biological considerations.

Also, developments in the modern fishing industry have made it possible to fish further from the coast and to facilitate larger catches. Fish are an important source of income for many States, and the sustainability of fish stocks worldwide represents a key source of food in many parts of the world. Sweden therefore attaches great importance in the ongoing process relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction and urges all States to contribute constructively to that joint undertaking, which is our common responsibility.

Let me conclude by wishing UNCLOS a happy thirtieth anniversary.

Mr. Khan (Indonesia): I thank the President for convening today's meeting on the commemoration of the thirtieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea.

Before I proceed, my delegation wishes to fully associate itself with the statement delivered earlier today by the representative of the Republic of Korea on behalf of the Asia-Pacific Group.

The 1982 United Nations Convention on the Law of the Sea is a landmark document that provides a universal legal framework for the world's oceans and seas, including the sustainable development of its resources. It is indeed the "constitution of the oceans". My delegation is therefore pleased to see that the number of States party to the Convention is increasing significantly.

Before the adoption of the Convention, the world faced many problems and conflicts relating to the use of the seas and oceans, either with regard to the maritime space or their resources. There were difficulties when many States unilaterally claimed extensive maritime zones and countries declared themselves to be archipelagic States without considering their land-to-water ratio. Such claims were generally opposed by other countries that continued to rely on the principle of the freedom of the sea, either with regard to their resources or the use of their maritime space.

Nonetheless, our great predecessors were able to turn those difficulties into an opportunity. Realizing the lack of international rules on the oceans, they

managed to set aside their differences. They assembled and created law and order with regard to the use of the oceans, their resources and the marine environment.

Indonesia is proud to have been a part of the treaty-making process from 1958 to 1982, in which two of my predecessors, Ambassador Hasjim Djalal, former Minister for Foreign Affairs, and Mr. Mochtar Kusumaatmadja played instrumental roles establishing the Convention. We are forever indebted to them for the part that they played.

The world has changed since 1982. New challenges have emerged, while some long-standing problems still need to be addressed. However, even after 30 years, the Convention is still relevant today. Maritime boundaries were a sensitive issue that needed to be addressed between countries. We are content that the process is being undertaken peacefully through the legal corridors provided in the Convention, which include bilateral negotiations, international judicial judgements and utilization of the three main institutions of the Convention.

The Convention also provides general rules for addressing marine environmental degradation, which has indeed become a new problem of the oceans. As the main source of regulation for the oceans, numerous environmental conventions, such as the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change, have based their rules on the marine environment on the 320 articles of the 1982 Convention and its nine annexes. However, the general rules need to be complemented by further strengthening cooperation at the regional and global levels. Indonesia believes that the first step in that regard is to comprehensively implement the Convention, including its ratification by countries that have yet to do so.

This year, the Secretary-General introduced the Oceans Compact. It is, as he puts it, an initiative to strengthen United Nations system-wide coherence to deliver on its oceans-related mandates. Indonesia welcomes this initiative. We are ready to support the United Nations efforts to summon collaboration and accelerate progress in the achievement of the common goal of healthy oceans for prosperity. The messages conveyed by the Secretary-General's initiative are of particular importance for Indonesia, but important for other nations as well. Oceans are able to absorb excess heat, and thus contribute to the moderation of global

warming. Oceans are also the source of more than half the oxygen we breathe, and among the most promising answers for our food security strategy.

Along those lines alone, Indonesia feels compelled to push forward the idea of the sustainable development of the oceans. For the sake of our future generations, a balance between the economic, social and environmental aspects of the oceans must become our immediate agenda. While the strategies that are set out in the Compact are familiar in tone, we need to establish the Convention as the highest source of rules, and thus conduct our actions based on the Convention itself, including respect for State sovereignty.

Looking to the future, it is important for countries to accelerate the proper implementation of the Convention in their respective national legislations. Countries also need to refrain from using force to resolve their maritime boundary disputes, and focus instead on negotiations based on the set of rules provided in the Convention. We believe that oceans and the law of the sea will continue to be an important issue to be discussed in the United Nations. The Assembly can rest assured of the support and active role of the delegation of Indonesia.

Programme of work

The Acting President: I should like to remind members that, as announced in the *Journal*, the following changes to the programme of work have been made.

Consideration of agenda items 123, “Global health and foreign policy”, and 127, “Addressing the socioeconomic needs of individuals, families

and societies affected by autism spectrum disorders and other developmental disorders”, on Wednesday, 12 December 2012, originally scheduled as a joint debate, will now be conducted separately in the numerical order of the items.

Consideration of agenda item 118, “Strengthening of the United Nations system”, and its sub-item (a) will now be held on Monday, 17 December, as the first item.

Consideration of agenda item 32, “The role of diamonds in fuelling conflict”, originally scheduled for Monday, 17 December, will now be held on Tuesday, 18 December, after the consideration of the reports of the Special Political and Decolonization Committee (Fourth Committee).

Consideration of agenda item 39, “The situation in the occupied territories of Azerbaijan”, originally scheduled for Monday, 17 December, has been postponed to a later date, to be announced.

Before concluding, I would like to announce that this is the last meeting of the General Assembly for Ms. Meriem Heddache, Meeting Services Assistant in the General Assembly Affairs Branch of the Department of General Assembly and Conference Management. Ms. Heddache has worked at the United Nations for more than 30 years. In the past few years, she has been responsible for the list of speakers in the plenary of the General Assembly. Her ability to manage that demanding task and her contribution to the smooth conduct of the meetings of the Assembly has been truly significant. I would like to ask the Assembly give her a round of applause in appreciation. We wish Ms. Heddache all the best.

The meeting rose at 6.05 p.m.