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63rd plenary meeting
Monday, 9 December 2013, 3 p.m.
New York

President: Mr. Ashe . . . . . (Antigua and Barbuda)

In the absence of the President, Mr. Beck (Solomon Islands), Vice-President, took the Chair.

The meeting was called to order at 3.20 p.m.

Agenda item 76 (*continued*)

Oceans and the law of the sea

(a) Oceans and the law of the sea

Reports of the Secretary-General (A/68/71 and A/68/71/Add.1)

Report on the work of the Ad Hoc Working Group of the Whole (A/68/82)

Report on the work of the United Nations Open-ended Informal Consultative Process (A/68/159)

Letter from the Co-Chairs of the Ad Hoc Open-ended Informal Working Group to the President of the General Assembly (A/68/399)

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

Draft resolution (A/68/L.19)

Ms. Tan (Singapore): My delegation would first like to thank the Secretary-General for his reports on agenda item 76, entitled "Oceans and the law of the sea". We would also like to thank Ambassador Eden Charles of Trinidad and Tobago and Ms. Alice Revell of New Zealand for their excellent work in coordinating the informal consultations on the draft resolution on oceans and the law of the sea (A/68/L.18) and the draft resolution on sustainable fisheries (A/68/L.19), respectively. We also wish to thank the Director and staff of the Division for Ocean Affairs and the Law of the Sea for her unstinting support of the work of Member States in relation to the two draft resolutions.

We note that two more countries have ratified or acceded to the United Nations Convention on the Law of the Sea (UNCLOS), bringing the number of States parties to 166. While much of the Convention reflects customary international law, my delegation welcomes the latest additions, as they bring us a step closer to the goal of universal participation in UNCLOS, which the Assembly has set for itself in paragraph 3 of draft resolution A/68/L.18. Why is the goal of universal participation in the Convention important? For Singapore, it is the Convention's place in the international legal order that makes that goal an important one, and we should all strive to achieve it.

The draft resolution recognizes that UNCLOS is "the legal framework within which all activities in the oceans and seas must be carried out". When it was signed 31 years ago, it created a new global order for the world's oceans and seas. It established the principles that underpin the actions of all users of the oceans and seas. Those principles created a framework of rights and duties, which has enabled a balance to be achieved between the various competing uses of the oceans and seas, while striving to ensure the protection of the

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marine environment. Thirty-one years later, UNCLOS remains the overarching framework for governing the world's oceans and seas. It is for that reason that the goal of universal participation is so crucial.

Today, with developments in science and technology, more uses of the world's oceans and seas are emerging. The world is gearing up to move towards the exploitation of the mineral resources of the deep seabed. Exploratory work on ocean fertilization and the use of the oceans and seas for capturing and storing carbon has commenced. At the same time, the world's oceans and seas and the biodiversity within them are facing challenges as they struggle to cope with issues such as the acidification of oceans and marine debris. Indeed, a process has been established within the General Assembly for work to be undertaken on the conservation and sustainable use of marine biological diversity beyond national jurisdiction, with a view to deciding on the development of an international instrument under UNCLOS before the end of the sixty-ninth session of the General Assembly.

In considering the issue of the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction, it is crucial that we do not lose sight of the principles, rights and duties enshrined in the Convention. That also holds true in seeking to deal with other emerging issues, such as the acidification of oceans and the possible incorporation of oceans into the sustainable development goals. In the face of such issues, it has become more imperative than ever to maintain the overarching framework established by UNCLOS. While some of those issues may not have been specifically dealt with in UNCLOS, it is the Convention that holds the key to the way forward.

The principles, rights and duties enshrined in UNCLOS will allow us to address those issues in a holistic manner that maintains the balance that UNCLOS has achieved between the various uses of the oceans and seas. The balance that has been achieved in the Convention has been primarily responsible for the peaceful order that we have seen in the use of the oceans since 1982. That balance was a hard-fought one, and we must strive to maintain it so as not to upset the peaceful order that has reigned in our world's oceans and seas since the inception of the Convention.

To that end, the Assembly has recognized the unified character of UNCLOS and the vital importance of preserving its integrity. Therefore, the application of the principles and provisions of the Convention cannot be undertaken in a selective manner, emphasizing certain aspects while underplaying other aspects. In recent years, there has been a tendency within some forums to examine technical, scientific or environmental aspects to the exclusion of other principles, rights or duties enshrined in UNCLOS. While the focus on technical, scientific or environmental aspects is laudable, it should not come at the expense of other aspects of the Convention. Such an approach risks undermining the balance that has been achieved within UNCLOS. Rather, the Convention must be looked at as a whole.

Singapore maintains a strong and firm commitment to the Convention. We are a small island nation with major maritime interests. Trade is our economic life blood. It is worth noting that 90 per cent of the world's trade is carried by sea and half of that passes through the Straits of Malacca and Singapore. Therefore, we all share a common interest in ensuring that trade continues to flow smoothly. Adherence to the principles, rights and duties enshrined in UNCLOS, in particular those related to navigation and passage, are crucial for the smooth flow of goods.

In dealing with the emerging issues confronting the world's oceans and seas, Singapore is committed to ensuring the continued maintenance of the peaceful order in the world's oceans and seas through the application of the principles, rights and duties enshrined in UNCLOS. It is our firm belief that it is only by respecting the Convention that we will continue to enjoy peace in the governance of the world's oceans and seas.

Mr. Pham Quang Hieu (Viet Nam): Our delegation commends the outstanding improvement in the management and utilization of the oceans and seas in various parts of the world under the legal framework established by the United Nations Convention on the Law of the Sea (UNCLOS). We fully acknowledge the critical role of the oceans and seas in providing global food security and sustaining the economic prosperity and well-being of many nations in the world.

Viet Nam supports the General Assembly continuing to give due attention to promoting the sustainable use and development of the oceans and seas and their resources. We would like to take this opportunity to thank the Secretary-General for the comprehensive reports contained in documents A/68/71 and A/68/71/Add.1, which provide the General Assembly with a review of developments relating to

ocean affairs and the law of the sea over the past year for discussion under this agenda item.

My delegation appreciates the outcomes of the hard work carried out over the past year by mechanisms established by the General Assembly. In that respect, we encourage the General Assembly to consider and endorse the recommendations made by the two intersessional workshops on biodiversity and the meetings of the Ad Hoc Open Ended Informal Working Group, which have sought to study issues relating to the conservation and sustainable use of marine biological diversity in the areas beyond national jurisdiction; the fourteenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea; and the fourth meeting of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects. We also note with appreciation the achievement of bodies established by UNCLOS, including the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

The Convention embodies the aspiration of the international community to a just international legal order for the oceans, and it has received almost universal acceptance. It sets out a comprehensive legal framework within which all activities on the oceans and seas must be carried out, and it constitutes a peaceable basis for the maintenance of peace and stability. The promotion of maritime economic development and the rational exploitation and conservation of marine natural resources and the environment in all marine areas within or beyond national jurisdictions rely on the provisions of UNCLOS and related State practices.

In June 2012, Viet Nam passed its own law of the sea as a significant legislative effort to harmonize the provisions of UNCLOS with our national laws, which has contributed to improving the national legal framework concerning the seas and islands of Viet Nam. Our law of the sea provides us with a fundamental legal framework for the use, management and protection of marine areas and resources, including cooperative activities with other countries for marine economic development, as well as foreign entities and individuals operating in marine areas under Viet Nam's jurisdiction. Various regulations and administrative measures have been established in order to implement the law.

As a country with a long coastline on the South China Sea — or, as Vietnamese call it, the Eastern Sea — Viet Nam is entitled to develop its maritime economy. We greatly value maritime peace and stability, including maritime security, and the promotion of prosperity and friendly cooperation in accordance with international law, particularly as embodied in UNCLOS. In order to achieve those goals, Viet Nam calls for the full and effective implementation of the Declaration on the Conduct of Parties in the South China Sea, and for the adoption of a code of conduct for the South China Sea.

Viet Nam supports the shared view of the Association of Southeast Asian Nations (ASEAN) on the need for a code of conduct that regulates the behaviour of the parties concerned in order to ensure peace, maritime security and safety and provide an environment conducive to managing and resolving disputes by peaceful means, on the basis of international law and UNCLOS. In that regard, my delegation commends the outcome of the sixth ASEAN-China Senior Officials Meeting and the ninth meeting of the ASEAN-China Joint Working Group on the Implementation of the Declaration on the Conduct of Parties, held in China in September. At those meetings, ASEAN and China consulted on the formulation of a code of conduct. Viet Nam stands ready to work towards the speedy establishment of a code of conduct for the South China Sea, with a view to further promoting peace, stability and cooperation in the region.

Mr. Bishnoi (India): I would like to begin by thanking the President for convening today's meeting on oceans and the law of the sea, a subject of significant interest to the whole world. The outcome document of the United Nations Conference on Sustainable Development held in Rio de Janeiro in June 2012, entitled "The future we want" (resolution 66/288, annex), recognizes the oceans and seas as an integral and essential component of the Earth's ecosystem; they are of crucial value and must be sustained. The role of oceans in supporting life on Earth is of vital importance.

We note, however, that our oceans face terrific challenges, including the deterioration of the marine environment, the loss of biodiversity, and climate change, as well as issues relating to maritime safety and security, including acts of piracy and armed robbery at sea and illegal fishing practices. Safe navigation and the smooth transportation of goods by sea are crucial to international trade and development, and acts of piracy

and armed robbery at sea are therefore a grave threat to maritime trade and the security of maritime shipping. Piracy endangers the lives of seafarers, affects national security and territorial integrity and hampers nations' economic development.

We greatly appreciate the work of the Contact Group on Piracy off the Coast of Somalia in containing piracy through international cooperation and coordination. India participates actively in international efforts to combat piracy and armed robbery at sea. We are gratified that those efforts have yielded significant results, since in the past year and a half there have been no successful hijackings off the coast of Somalia. We would, however, like to express our deep concern about the incidents of piracy and armed robbery at sea in the Gulf of Guinea. Although the States in the region play the primary role in countering the threat of piracy, we urge the whole international community to cooperate and continue its efforts to help put an end to that menace.

In terms of international legal mechanisms, the 1982 United Nations Convention on the Law of the Sea is the key international instrument governing ocean affairs. It sets out the legal framework for all activities on the oceans and seas and enjoys wide acceptance by what is now 166 parties. The Niger was the latest State to accede to the Convention, on 7 August.

We thank the Secretary-General for his report (A/68/71 and A/68/71/Add.1) on the issues concerning oceans and the law of the sea. We also welcome the report of the co-Chairs of the fourteenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (A/68/159), which discussed, inter alia, the impact of ocean acidification on the marine environment. Broad scientific thinking and studies reveal that ocean acidification has serious effects on marine ecosystems. The changes in temperature resulting from ocean acidification may alter the rate and pattern of ocean productivity. In that light, we need more comprehensive study of ocean acidification and work on capacity-building, including by filling knowledge gaps and promoting the transfer of technology.

We also welcome the report of the co-Chairs of the meeting of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (A/68/82). We commend the efforts being made to produce the first global integrated assessment of the state of the marine environment and look forward to its completion by 2014.

We also welcome the report of the co-Chairs of the meeting 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 (A/68/399). The Working Group took note of the deliberations of the experts in the intersessional workshops held in May. The workshops provided valuable scientific and technical information on conservation and management tools, environmental impact assessments and marine genetic resources, and also considered issues relating to intellectual property rights, capacity-building and the transfer of marine technology. We support the efforts of the Working Group to address the urgent issue of the conservation and sustainable use of the marine biodiversity of areas beyond national jurisdiction, including through the development of a legal framework.

The smooth functioning of the institutions established under the Convention — the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — holds the key to the proper implementation of the Convention's provisions and the achievement of the benefits desired through the use of the seas. We therefore support all efforts towards ensuring their smooth functioning and note with satisfaction the progress made by those institutions in their respective areas.

Being a country with a vast coastline and numerous islands, India has a traditional and abiding interest in maritime and ocean affairs and assures its full cooperation in efforts towards ensuring the proper management and sustainable use of the oceans and seas as a responsible partner of the international community.

Finally, we thank both coordinators for having successfully conducted the consultations on the draft resolutions on oceans and the law of the sea (A/68/L.18) and on sustainable fisheries (A/68/L.19), and we support their adoption.

Mr. Strickland (United States of America): My delegation has the honour to co-sponsor the draft resolutions on oceans and the law of the sea (A/68/L.18) and on sustainable fisheries (A/68/L.19).

The annual draft resolutions on oceans and fisheries, which we are debating today, serve as an important

opportunity for the global community to identify key marine-related issues and develop constructive ways forward in order to address such matters. The United States attaches great importance to the issues of oceans and fisheries, and we value the platform that the General Assembly provides us to raise those issues.

We would like to highlight two aspects of this year's draft resolution on oceans.

First, we are very pleased that the draft resolution reflects important developments with regard to ocean acidification. This year's United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea focused on the topic of the impacts of ocean acidification on the marine environment and provided a very useful opportunity for Member States to consider the issue. We are pleased that the draft resolution on oceans contains several new paragraphs on ocean acidification, including on the importance of making significant efforts to tackle the causes of ocean acidification, study and minimize its impacts and build resilience in marine ecosystems. We look forward to the General Assembly's continued attention to that pressing matter. We were also very pleased by the selection of the topic of the role of seafood in global food security for next year's meeting of the Informal Consultative Process. We look forward to fruitful exchanges on that important topic.

The second aspect of this year's draft resolution on oceans that we would like to highlight relates to the continued progress towards the highly anticipated publication of the first global integrated marine assessment, known as the World Ocean Assessment, under the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including the Socioeconomic Aspects. We recognize and appreciate the hard work and dedication of the Group of Experts of the Regular Process and of the many experts contributing to the drafting of the first global integrated marine assessment. We look forward to the eventual publication of that ground-breaking work.

We would also like to highlight three key aspects of this year's draft resolution on sustainable fisheries that focus on protecting food security.

First, we are pleased that the draft resolution reflects the recognition by the General Assembly of the need for a better understanding of the issues of human trafficking and forced labour associated with some fisheries activities. The call for work in that area underscores the importance for the international community of continuing to work collaboratively so as to eliminate illegal, unreported and unregulated fishing, including activities associated with its threat to global food security.

Secondly, the draft resolution emphasizes the importance of enhancing the resilience of marine ecosystems to minimize the wide range of impacts of ocean acidification and its threat to the protein supply chain. In 1991, the General Assembly called for a moratorium on large-scale drift nets on the high seas, given the non-discriminatory nature of that fishing method and the deleterious effect that it has on non-target species.

In that light, the final aspect that we would like to highlight in this year's draft resolution is the recognition of 20 years of the successful implementation of the call by the North Pacific Anadromous Fish Commission and the resulting reduction in the occurrence of such nets on the high seas of the North Pacific Ocean. We believe that that illustrates the importance of the draft resolution and the work of the General Assembly in positively influencing sustainable fisheries within the international community. Thus, the United States is pleased to once again co-sponsor the draft resolution.

The United States would like to thank Director Gabriele Goettsche-Wanli and the staff of the Division for Ocean Affairs and the Law of the Sea for their expertise and support in the drafting of both draft resolutions. We would also like to thank Ambassador Eden Charles of Trinidad and Tobago for his coordination of the draft resolution on oceans, and Ms. Alice Revell of New Zealand for her coordination of the draft resolution on sustainable fisheries. Both coordinators did an outstanding job.

Finally, I would like to conclude by expressing appreciation for delegations' hard work and cooperation in crafting both draft resolutions. It is our hope that that same spirit of cooperation will characterize our efforts to address the numerous and complex issues that lie ahead in the new year.

Mr. Korman (Palau): Oceans and seas cover two thirds of the world's surface and connect 90 per cent of its population. It is estimated that oceans provide more than 350 million jobs globally. A billion people in developing countries are dependent on ocean fish.

Palau's own culture, environment and economy are inextricably linked to the ocean and its resources.

For those reasons, we are pleased to associate ourselves with the statement made on behalf of the Pacific Islands Forum earlier today (see A/68/PV.62) and to add Palau's perspective to today's debate.

Palau has espoused three basic principles that should govern oceans and fisheries.

First, global fisheries should be fair. If distant water vessels want to access fish that traverse Palau's waters, they should respect our laws. They should fish within our limits and share the benefits of our natural resources equitably.

Secondly, global fisheries should be accountable. Countries have given great responsibilities to regional fisheries management organizations (RFMOs) to conserve and manage global fish stocks, but those stocks continue their depressing decline. The Food and Agriculture Organization of the United Nations reports that the vast majority of global fish stocks are now fully or overexploited. Those organizations should be more responsive to the realities of overfishing, and the General Assembly can guide them to do better.

Thirdly, the use of ocean resources should be sustainable. Reckless and illegal practices that harm our fisheries, deprive us of our resources and threaten our marine environment should stop. The ecosystem approach should be applied more consistently. Palau is pleased to see that those principles are increasingly being reflected in the General Assembly's resolutions on oceans and fisheries.

This year's draft resolution on sustainable fisheries (A/68/L.19), for example, includes important new calls for more sustainable conservation and management of sharks. Sharks are majestic creatures and a natural barometer of a healthy ocean ecosystem. A recent study found that a living shark is worth up to $2 million to Palau's tourism sector over the course of its lifetime. Shark conservation has helped drive our economic development. Unfortunately, sharks are being overfished, especially through the wasteful practice of shark-finning. Palau is therefore encouraged to see new language in the draft resolution on fisheries calling on States, including through regional fisheries management organizations, to promote and establish management measures and ensure the long-term conservation, management and sustainable use of shark stocks. That is undoubtedly a step towards greater overall sustainability.

By insisting on urgent management measures, this year's draft resolution confirms that business as usual, which has led to a staggering loss of 90 per cent of shark stocks, is unacceptable. All States must take urgent action to manage sharks. In that vein, Palau is encouraged by the growing consensus to stop shark-finning. Countries around the world, developing and developed alike, those that fish for sharks and those that have guaranteed their protection, are uniting behind the idea that no shark should be caught and finned with the carcass dumped overboard. To do so is wasteful, destructive and, as we heard earlier, unethical. Although we were unable to make progress on finning this year, we are confident that the very few States holding out will soon join the overwhelming majority to end shark-finning by requiring that sharks be landed with their fins naturally attached or through other equally effective and enforceable measures.

Through the draft resolution on oceans and the law of the sea (A/68/L.18), the General Assembly would agree to discuss food security and its relationship to oceans at the upcoming meeting of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea. That is a timely decision, although it is perhaps a bit narrow in scope. In future, we want to see the international community's road map towards sustainability. World leaders stress the importance of conservation and the sustainable use of oceans for all facets of sustainable development. They emphasize the contribution of oceans to poverty eradication, sustained economic growth, food security, the creation of sustainable livelihoods and decent work, as well as the protection of biodiversity in the marine environment and the need to address the impacts of climate change. Their message is that we must have healthy, productive and resilient oceans to deliver on the promise of a more sustainable future.

That is why Palau and the other Pacific small island developing States are championing a stand-alone sustainable development goal on oceans and seas. Palau looks forward to having a more extensive discussion on the imperative need for healthy oceans in order to ensure poverty eradication, food security and economic opportunity. We particularly highlight this February's meeting of the General Assembly's Open Working Group on Sustainable Development Goals, the 2014 Pacific Islands Forum, which Palau is very pleased

to host, as well as the third Global Conference on the Sustainable Development of Small Island States, to be held in Apia, Samoa, next year.

For a second year in a row, it remains for Palau to conclude our remarks by noting the immense damage caused by typhoons and by extending our heartfelt condolences to our neighbours in the Philippines. Last year it was Typhoon Bopha. This year it is Haiyan, or Yolanda. The world saw vividly Haiyan's destruction in the Philippines and the effects it continues to have. But Haiyan also decimated Palau's northern island state of Kayangel, laying waste to every home and building and displacing the entire population. The consequences for Palau, had Haiyan hit our main islands, are unimaginable. Bopha and Haiyan are terrible reminders of the fragility of our relationship with the oceans.

In addition to the tremendous damage caused by the increased frequency and intensity of storms, Palau has had to deal with the slower-onset effects of climate change, namely, ocean warming, ocean acidification and sea level rise. Palau is still in the process of recovering from the 1998 bleaching of approximately 70 per cent of its corals. With regard to ocean acidification and sea-level rise, the concern is more than just the loss of territory. In a real sense, it is a matter of sustaining life. Increased salinization of freshwater lenses damages crops in taro patches and renders water from wells even harder to use.

The very essence of life in Palau is slowly and irreparably being damaged. That was the crux of the argument put forth by Palau and other small islands for loss and damage reparations at the recent Climate Change Conference in Warsaw. We therefore voice our great disappointment at the reluctance of other nations to accept those facts; they argued instead that the impact of climate change could be addressed through adaptation alone.

In conclusion, we want to reiterate that the protection of oceans and seas is an issue of sovereignty for Palau that goes beyond our boundaries. The ocean connects us to our Pacific neighbours and provides all that we need for life, cultural heritage, food and leisure. It is the primary means for our economic development. Palau therefore again calls for a stand-alone goal in the sustainable development goals agenda to fully address the sustainability of oceans and seas. We further urge all States to act now to reduce the emissions that are causing climate change.

Mr. Liu Jieyi (China) (*spoke in Chinese*): Last year, at the solemn commemoration of the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Seas (UNCLOS), we reviewed the journey made by UNCLOS and the evolution of international maritime affairs over the past 30 years. Since then, ocean affairs and the law of the sea have received greater attention from the international community. Various regimes under the Convention have developed steadily and are being implemented in depth. Cooperation and interaction among countries on maritime affairs are intensifying.

Together with other countries, China is willing to continue to promote the existence of a harmonious ocean, working on the basis of international law, including the Convention, towards peace, safety and an open ocean and seeking a balance between scientific protection and the rational utilization of the oceans, so as to achieve common development and mutually beneficial results for all members of the international community.

The Chinese delegation actively participated in consultations on the draft resolutions on oceans and the law of the sea (A/68/L.18) and on sustainable fisheries (A/68/L.19). I wish to thank Ambassador Eden Charles of Trinidad and Tobago and Ms. Alice Revell of New Zealand for their contributions as the facilitators of the draft resolutions. I wish to take this opportunity to state the position and views of my delegation on various issues relating to oceans and the law of the sea.

First, China very much appreciates the positive contribution made by the Commission on the Limits of the Continental Shelf in attempting to maintain a balance between the legitimate rights and interests of coastal States and the overall interests of the entire international community. It commends the hard work of the members of the Commission and the results that they have achieved. China supports the Commission in its efforts to carry out its mandate strictly in accordance with the Convention and its rules of procedure, especially by rigorously abiding by the provision contained in annex I to its rules of procedure, which states that, in cases where a land or maritime dispute exists, the Commission shall not consider and qualify a submission by any of the States concerned in the dispute, so as to ensure the quality and professionalism of its consideration of the submission.

At the same time, the Chinese delegation holds the view that, with the marked increase in the Commission's

workload, effective measures should be taken to further improve the working conditions of the Commission, including finding appropriate solutions to the issue of medical insurance for its members. This year, China donated another $20,000 to the voluntary trust fund to finance the participation of members from developing countries in the Commission's meetings.

Secondly, the Chinese delegation congratulates the International Seabed Authority for its achievements over the past year, in particular, its adoption of the amended Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area and its approval of two applications for the exploration of mineral resources on the international seabed. That demonstrates the continuous improvement of the international seabed regime and the immense vitality of international seabed activities. The Chinese delegation believes that the formulation of the rules governing the exploitation of mineral resources in international seabeds should take into account technological and industrial developments, and progress in a gradual manner, so as to achieve the proper balance between seabed exploitation and environmental protection and between the interests of developers and those of the entire international community. The decision should therefore be made prudently, based on in-depth studies and the wide range of views of various parties.

The Chinese Government has always actively supported the work of the International Seabed Authority and works hard to promote the effective and all-round participation in international seabed affairs by developing countries. This year, China once again donated $20,000 to the Authority through the voluntary trust fund to finance the participation of members from developing countries in meetings of the Legal and Technical Commission and the Finance Committee of the International Seabed Authority.

In April next year, Chinese academic institutions in the field will host, in the city of Xiamen, the fourth International Symposium on Scientific and Legal Aspects of the Regimes of the Continental Shelf and the Area. We wish to welcome all relevant parties to participate.

Thirdly, my delegation has noticed that, as the International Tribunal for the Law of the Sea handles more and more cases that touch upon ever wider areas, the Tribunal is enjoying growing influence and has entered a new phase of comprehensively fulfilling its mandate under the Convention. The Chinese delegation supports the Tribunal as it continues to play an important role in the peaceful settlement of maritime disputes, the maintenance of international maritime order and the dissemination of the law of the sea. We appreciate the active role played by the Tribunal in helping developing countries with capacity-building.

At the same time, we believe that neither UNCLOS nor the Tribunal's statute confirm advisory competence upon the full Bench of the Tribunal. We hope that the Tribunal will take into full consideration the concerns of the various parties and deal carefully with Case No. 21, *Request for an advisory opinion submitted by the Sub-Regional Fisheries Commission (SRFC)*, in order to ensure the legitimacy and authority of its work.

Fourthly, the Chinese delegation supports the adoption by the General Assembly of the programme of work proposed by the Ad Hoc Open-ended Informal Working Group on marine biodiversity beyond areas of national jurisdiction. My delegation believes that, since the high seas and the international seabed are part of the concerns and interests of the entire international community, properly handling of the issue of marine biodiversity in those areas is of great importance to the maintenance of a just and rational international maritime order. The relevant work should proceed in a gradual manner, while maintaining the central status of the General Assembly and fully respecting the leading role of Member States. The need of countries, especially developing countries, for rational utilization of marine biological resources should also be fully taken into consideration.

Fifthly, the Chinese delegation is pleased to note that an institutional framework for the United Nations World Ocean Assessment: Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects has been put in place and that work in that area, including the drafting of reports, is proceeding smoothly. China believes that it is very important that the Regular Process operate successfully and play a role in which it supports further capacity-building by the Division for Ocean Affairs and the Law of the Sea, serving as the secretariat for the Regular Process. China has recommended experts to participate in the preparation of the first World Ocean Assessment report and is ready to further contribute to work in that area.

Sixthly, as a responsible major country involved in fisheries, China has taken an active part in the work of the relevant international fisheries organizations and

is committed to strengthening the conservation and the management of fish resources. China is willing to continue to work together with the countries concerned to promote the development and improvement of the international fisheries regime, sensibly regulate the conduct of fisheries and explore how to further improve ways and means to combat illegal fishing. In so doing, we hope to contribute to the sustainable utilization of marine bioresources, the maintenance of marine ecological balance and the enjoyment by all countries of the benefits of fisheries.

The oceans provide an important basis for human development and progress. Members of the international community should further strengthen cooperation and, in a spirit of solidarity and mutual assistance, collectively tackle challenges, enjoy the opportunities and wealth offered by the oceans and seek the sustainable development of the oceans so that they can bring long-term benefits to humankind.

China is ready to work with other countries and do its part for a harmonious ocean.

Mr. León González (Cuba) (*spoke in Spanish*): Cuba attaches fundamental importance to the United Nations Convention on the Law of the Sea for the maintenance and strengthening of peace, order and the sustainable development of oceans and seas. The Convention, a landmark in the codification of the international law of the sea, has been ratified by the overwhelming majority of Member States. It establishes the appropriate and universally recognized legal framework for all activities concerning the oceans and seas.

It is important that we uphold the integrity of the United Nations Convention on the Law of the Sea and the implementation of its provisions as a whole. Matters concerning oceans and the law of the sea must come under the supervision of the General Assembly in order to ensure greater coherence and consistency in the management of such matters for the benefit of all Member States.

Cuba will continue to undertake significant efforts in the implementation of our national strategies aimed at the sustainable development and protection of the marine environment, with the aim of ensuring the coherent, progressive and effective implementation of the provisions of the Convention.

The State of Cuba has solid institutions and national legislation in the field of the law of the sea. The Cuban Government has adopted all of the measures at its disposal to successfully tackle the crimes that occur on the seas, such as illicit trafficking in narcotics and psychotropic substances, illegal trafficking in persons and piracy.

Cuba reiterates the importance of strengthening international cooperation when it comes to the management of marine resources and in caring for the oceans and their biodiversity, in keeping with the principles of international law, thus upholding due respect for the jurisdiction of sovereign States over their territorial seas and the management of their resources in their exclusive economic zones and the continental shelf.

We resolutely support the commendable work of the Commission on the Limits of the Continental Shelf and urge all Member States to lend their support to ensure that the Commission is equipped with all the necessary resources for its work. It is crucial that the Commission be able to undertake its work in an expeditious and effective manner, thereby complying with the legal requirements that have been established for that purpose.

The ongoing sea-level rise threatens the territorial integrity of many States, in particular small island States, a number of which are doomed to vanish unless immediate measures are adopted. The interconnectivity of ocean systems and their close relationship with the dramatic process of climate change affecting humankind compel us to urgently uphold the commitments that we have shouldered in those two areas.

We would like to conclude by expressing our gratitude for the work accomplished by the Division for Ocean Affairs and the Law of the Sea. We also thank the coordinators for the two draft resolutions under consideration (A/68/L.18 and A/68/L.19), which Cuba will support.

Mr. Van Den Bogaard (The Netherlands): The Netherlands aligns itself with the statement made earlier today by the observer of the European Union (see A/68/PV.62).

At the outset, I would like to thank our dear friends, Ambassador Eden Charles of Trinidad and Tobago and Ms. Alice Revell of New Zealand, for their hard work in coordinating the omnibus draft resolution on oceans and the law of the sea (A/68/L.18) and the draft resolution on sustainable fisheries (A/68/L.19), respectively. We also wish to express our gratitude to the Director and

staff of the Division for Ocean Affairs and the Law of the Sea for their tireless efforts in that regard.

This year marks the centennial anniversary of the Peace Palace in The Hague. Since its inauguration, the Peace Palace has been a worldwide icon of peace and justice. As part of the celebrations on 28 August, Secretary-General Ban Ki-moon opened the Ministerial Conference on the Peaceful Settlement of Disputes. The Foreign Minister of the Kingdom of the Netherlands, Mr. Franciscus Timmermans, presided over the Conference, which was aimed at strengthening existing institutions and methods for the peaceful settlement of disputes, such as judicial proceedings and arbitration. Participants included ministers and deputy ministers from Italy, Japan, Mexico, Morocco, the Russian Federation, Slovakia and Uganda. The participants issued a joint statement on the peaceful settlement of disputes, reiterating their commitment to Article 33 of the Charter of the United Nations and underlining their continued commitment to the promotion of measures for the peaceful settlement of disputes.

The Netherlands has always called upon States to settle their conflicts and disputes peacefully, and recognizes, in that connection, the important role of the International Tribunal for the Law of the Sea in the interpretation and application of the law of the sea. We are the host State to the International Court of Justice and the Permanent Court of Arbitration, two international institutions that play a major role in the peaceful settlement of disputes, including in the field of law of the sea. The pursuit of peace and justice is not just a matter of bricks and mortar; it requires active participation and commitment by States for its achievement.

The Netherlands has demonstrated its commitment over the years to the conduct of international relations under the rule of law. In that respect, we would recall with a sense of pride that it was Netherlands legal adviser Willem Riphagen who laid the foundation for what is now article 287 of the United Nations Convention on the Law of the Sea. That provision, known as the Montreux compromise, provides a crucial and unique system for the settlement of disputes. The essence of the Montreux compromise is that each party to the Convention may select the method of dispute settlement it prefers, and, if a party does not choose, the Convention refers to arbitration as a default procedure. Mr. Riphagen considered it important that "the Convention would provide for the situation in which a defendant failed to act".

That notion is reflected in article 287 of the Convention. In fact, the availability of a default mechanism through the Convention is one of its gems. A dispute settlement procedure is therefore always available. By becoming a party to the Convention, a State explicitly accept its regime for the compulsory peaceful settlement of disputes. That also implies accepting and implementing the decisions of the institutions responsible for the settlement of disputes under the United Nations Convention on the Law of the Sea, including the International Tribunal for the Law of the Sea, the International Court of Justice and arbitration tribunals established under the Convention. We consider the establishment of that elaborate system of compulsory dispute settlement to be one of the truly important innovations that the Convention has established. The Netherlands is proud of its contribution to the elaboration of what was to become article 287 of the Convention.

The Netherlands has full confidence in the quality of the dispute settlement mechanisms under the Convention and considers it imperative that States abide by the decisions taken through those mechanisms. In a world where the use of the oceans is changing and where conflicting ambitions may lead to different views on the use of the oceans, we need to uphold the Convention and actively settle such disputes peacefully.

Mr. Corrales (Honduras) (*spoke in Spanish*): The delegation of Honduras would like to express its gratitude to the Division for Ocean Affairs and the Law of the Sea and its new Director, Gabriele Goettsche-Wanli, for the support provided throughout the negotiations on the draft resolutions on oceans and the law of the sea (A/68/L.18) and on sustainable fisheries (A/68/L.19). We would also like to thank the coordinators, Ambassador Eden Charles of Trinidad and Tobago and Alice Revell of New Zealand, for their excellent work.

Honduras attaches particular importance to the United Nations Convention on the Law of the Sea, as we believe that it makes a significant contribution to international peace and security by establishing a legal framework for the appropriate use and exploration of the oceans. We believe that all States must strive, in a coordinated manner, to ensure the sustainability and preservation of the oceans and the use of ocean resources for the common good.

In that connection, it is essential that such cooperation between States be applied to the issue of the Gulf of Fonseca. There are clear rules governing the Gulf of Fonseca that are based on co-sovereignty and take into account its status as historic waters. The interior waters of the Gulf of Fonseca, where there is a tripartite presence by the coastal States, are crucial for all three States concerned, and there should not be any obstacle to their fraternal cooperation. My delegation believes that there is a pressing need for the tripartite committee established by the Heads of State and Government to meet without delay in order to consider the pending negotiations on implementing the ruling of the International Court of Justice.

We must be aware of the fragility of the existing ecosystem within the Gulf and act in a coordinated manner in order to establish instruments for fraternal cooperation and sustainable development within the Gulf and the adjacent marine waters, in keeping with the standards and principles of international law. A mechanism for such cooperation should take into account fundamental principles such as the freedom of navigation and the safety and security of people and their assets; the need to combat organized crime, terrorism and piracy; port infrastructure development and the maintenance of navigation waterways; the development of tourism, mineral resources and fisheries; and in general a comprehensive framework for the development of the Gulf. Above all, it must be based on the principle of strengthening the authority of the International Court of Justice and recognition of its rulings.

More than 21 years have passed since the International Court of Justice handed down its judgment of 11 September 1992 in the case of *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*. Unfortunately, there has as yet been no implementation of the ruling establishing the right of access for all three coastal States on the Gulf of Fonseca to the territorial sea and the exclusive economic area off the Gulf.

Furthermore, it is crucial that the United Nations, friendly States and other international organizations that are concerned by climate change and the impact it has on the global environment support the sustainable development of the Gulf of Fonseca, including free trade and the facilitation of international maritime traffic. Scientific, technical and financial contributions to that end are required, in order to be able to ensure that the Gulf of Fonseca truly becomes an area of peace, development and security.

Mrs. Baaro (Kiribati): I bring to this session of the General Assembly warm greetings from the Government and people of the Republic of Kiribati.

My delegation joins previous speakers in thanking the Secretary-General and welcoming his report on oceans and the law of the sea (A/68/71 and A/68/71/Add.1). We also thank the facilitators of the draft resolutions we have before us on oceans and the law of the sea (A/68/L.18) and on sustainable fisheries (A/68/L.19).

My delegation associates itself with the statement delivered by the representative of the Republic of the Marshall Islands on behalf of the members of the Pacific Islands Forum (see A/68/PV.62), as well as with those made by earlier speakers from the Pacific region, namely, New Zealand, Nauru and Palau.

For a small, low-lying island nation such as my country, one of the major security and survival challenges that we face stems from the adverse impacts of climate change, including rising sea levels, coastal erosion, coral bleaching, ocean acidification and the effect that those phenomena have on food security, water supplies and, indeed, the ability to sustain life on our islands. Yet our only hope for sustainable development and survival as a large-ocean State lies in our oceans and marine resources. For us in Kiribati, the United Nations Convention on the Law of the Sea (UNCLOS) brings hope. It gave formal international recognition to our age-old role as custodians of one of the largest oceans. For us, as one of the owners of the resources of one of the major oceans, the entry into force of the Convention meant that we could negotiate fisheries licences with those wishing to fish in our expansive waters. Indeed, we have depended heavily on our distant-water fishing partners to harvest and add value to the tuna extracted from our waters.

However, we in Kiribati have always strongly advocated for the importance of increasing the domestication of the fisheries industry as an ultimate goal as we progressively reduce our reliance on revenue from access fees. But where are we, 30 years down the line after UNCLOS? Although the total landed value of the tuna caught in our waters is estimated at some $4 billion, we as resource owners receive an insignificant 5 to 10 per cent of that amount. In September, my President, His Excellency Mr. Anote Tong, raised the

question about that valuation of our resource (see A/68/PV.9). Where is the equity and fairness in that? The structure of the relationship between marine resource owners and our partners from distant-water fishing nations must change. In order to be durable, genuine and sustainable, the partnership must be guided by the principles we all share as a family of nations — the principles of justice and fairness.

For that to happen, our partners must first acknowledge our goal, which is to maximize returns from our resources. We have made a start on that by establishing fish-processing plants in a partnership between the public and private sectors. Secondly, our partners must engage more thoroughly in the new arrangements, which will enable us, the resource owners, to meet our goal. We invite them to join us in that endeavour. If development partners are genuine in their desire to assist vulnerable least developed countries and small island developing States like mine, then, given the right support from those partners and the access to markets, we are convinced that we can achieve sustainable development by utilizing the available resources of our vast exclusive economic zone. We also believe that through such an approach we can reduce our reliance on development assistance and better tackle the security and survival challenges posed by climate change. Indeed, we are convinced that we will even be able to do away with development assistance altogether if we are provided with the right support from our partners so that we can develop our capacity to harvest and process our own marine resources.

We are custodians of those marine resources, and our region has developed some of the most advanced conservation mechanisms through our Pacific Islands Forum, the Forum's Fisheries Agency, the South Pacific Regional Environment Programme, the parties to the Nauru Agreement and the Tuna Commission.

At the national level, our region has the largest marine protected conservation areas. In my own country, we have declared 11 per cent of our total ocean area to be a marine protected area, commonly called the Pacific Islands Protected Area (PIPA), a UNESCO World Heritage Site that is our contribution to humankind. Our Protected Area is a living laboratory for scientists studying low-lying coral atoll formations in their pristine environment, and represents our contribution to the issue of adaptation to climate change, to a better understanding of the dynamics of climate change in those vulnerable ecosystems, how those dynamics affect low-lying coral atolls and how those atolls can recover on their own.

PIPA is also a major conservation site, since it is a major spawning ground for regional fisheries and highly migratory species. It is an innovative economic undertaking, and we have established a trust fund for PIPA, to which those who believe in what we are doing for future generations can contribute through what is increasingly known as reverse fishing licence arrangements. The PIPA conservation mechanism also provides an opportunity for future generations to enjoy coral atolls in their pristine state, and it will encourage ecotourism.

I would like to conclude my statement by highlighting three issues.

First, the oceans and seas are a vital part of the global survival mechanism. They are the lungs of the planet and a source of food, not only for those of us who have survived as ocean nations, peoples and cultures for hundreds of years, but also for the entire global community. The importance of the oceans and seas means that they should have a prominent part in the post-2015 development dialogue and that they should constitute a stand-alone sustainable development goal.

Secondly, the structure of partnerships in the marine resource industries, including fisheries, must be reconfigured now, in the context of the post-2015 development dialogue. Underpinned by the principles of justice, equity, decency, accountability and respect, that would go a long way towards addressing the vulnerabilities of small island developing States like mine, including the vulnerabilities that are the result of climate change.

The third area I would like to highlight is that we, as a family of nations, should now be asking difficult questions — questions about the implications of climate change and sea-level rise, particularly for countries like mine. What are the implications, not only for the Convention, but for the definition of the terms "security", "refugees" and "human rights"? Under UNCLOS, what happens when whole countries are submerged? Do they still have an exclusive economic zone? I certainly hope so.

In Kiribati the environment is harsh and life is difficult. As a matter of principle, we teach our children important life skills, including how to survive in the ocean, an ocean that can be both friend and foe. We

teach our children how to respect the ocean, how to fish for sustenance, so that they can survive in the ocean environment, even when their parents have passed on. I believe that all parents pass on that principle to their children.

If we, as a family of nations, were to apply that principle in our dialogue, in our South-South dialogue and in the dialogue with our development partners, we would achieve much more. Development partnership and development dialogue would shift to a whole new level.

Now is the time to do that. As we begin discussing the post-2015 development agenda and as we prepare for the third International Conference on Small Island Developing States, to be held in Samoa in 2014, the challenge for all of us is to think outside the box.

The Acting President: In accordance with General Assembly resolution 51/204, of 17 December 1996, I now call on His Excellency Mr. Shunji Yanai, President of the International Tribunal for the Law of the Sea.

Mr. Yanai (International Tribunal for the Law of the Sea) (*spoke in French*): It is an honour and privilege for me, speaking on behalf of the International Tribunal for the Law of the Sea, to address the General Assembly at its sixty-eighth session on the occasion of its consideration of agenda item 76, entitled "Oceans and the law of the sea."

I extend my warmest congratulations to the President of the General Assembly on his election and wish him every success in the discharge of his responsibilities in the Assembly. I also take this opportunity to welcome Timor-Leste and the Niger, which became parties to the United Nations Convention on the Law of the Sea this year.

I would like to underscore the importance of respect for the compulsory procedures set out in section 2, Part XV, of the Convention. It is clear that a dispute mechanism that functions effectively contributes to the appropriate application of the law of the sea, as established by the Convention. Through its jurisprudence, the Tribunal has played an important role in that regard. I should like to add that the obligation under article 33 of the Tribunal's statute, which imposes on all parties to a dispute the need to abide by the Tribunal's decisions, is a sine qua non for the implementation of the dispute mechanism.

After those introductory remarks, I would now like to report to the Assembly on the judicial activities of the Tribunal since my last statement to the General Assembly, on 11 December 2012 (see A/67/PV.51).

The Tribunal has had a very busy year, having had to exercise its judicial functions in four cases. During the period under review, the Tribunal delivered a judgment on the merits and two orders on requests for provisional measures. It also received a request for an advisory opinion under article 138 of its rules. All of that demonstrates an increase in the Tribunal's judicial work.

On 14 November 2012, Argentina filed a request with the Tribunal for the prescription of provisional measures under article 290, paragraph 5, of the Convention in a dispute concerning the detention by Ghana of the warship, *ARA Libertad*. The request for provisional measures was submitted to the Tribunal pending the constitution of an arbitral tribunal, further to the introduction by Argentina, on 30 October 2012, of arbitral proceedings under annex VII to the Convention.

In its request for provisional measures, Argentina asked the Tribunal to prescribe that Ghana allow the *ARA Libertad* to leave the port and the jurisdictional waters of Ghana and to be resupplied to that end. On 15 December 2012, the Tribunal delivered its unanimous order in the case, calling on Ghana immediately and unconditionally to release the *ARA Libertad* and take action to ensure that the *ARA Libertad*, its commander and crew be able to leave the port and the maritime waters under the jurisdiction of Ghana. I am pleased to report that the order of the Tribunal was complied with. As prescribed by the Tribunal, the *ARA Libertad* was released and, on 19 December 2012, the vessel left the maritime waters under the jurisdiction of Ghana.

I shall now turn to the *M/V Louisa Case (Saint Vincent and the Grenadines v. Kingdom of Spain)*. The vessel, flying the flag of Saint Vincent and the Grenadines, was boarded, searched and detained by Spanish authorities on 1 February 2006. According to Spain, the vessel was seized and detained in connection with criminal proceedings for the commission of the crime of introducing or possessing weapons of war and the crime of damaging Spanish historical national heritage. Saint Vincent and the Grenadines maintained that the *M/V Louisa* was conducting surveys of the sea floor with a view to locating oil and gas deposits. In the criminal proceedings, four persons were arrested

and imprisoned in Spain. In the decision of 28 May 2013, the Tribunal noted that the case had two aspects, one relating to the detention of a vessel and persons on board, the other relating to the treatment shown those persons.

The first aspect had to do with the request initially made by Saint Vincent and the Grenadines based on articles 73, 87, 226, 227 and 303 of the Convention. After a careful examination of all of the provisions invoked, the Tribunal came to the conclusion that none of them could serve as the basis for the claim submitted by Saint Vincent and the Grenadines in respect of the detention of the *M/V Louisa* and its crew.

With regard to the second aspect of the case, concerning the treatment of persons aboard the *M/V Louisa,* the Tribunal observed that that matter had been introduced by Saint Vincent and the Grenadines only after the closure of the written proceedings. It noted, in that respect, that the matter had been addressed during the oral hearing on the basis of article 300 of the Convention, concerning good faith and abuse of rights, and had been included on that basis in the final submission of Saint Vincent and the Grenadines. The Tribunal then deemed that reliance on article 300 of the Convention generated a new claim in comparison with the claims presented in the application.

In the view of the Tribunal and in line with the jurisprudence of the International Court of Justice, it is a legal requirement that any new claim must, in order to be admitted, arise directly out of the application, or be implicit in it. Accordingly, the Tribunal considered that it could not allow a dispute that had been brought before it by an application to be transformed, in the course of the proceedings, into another dispute, one different in character. For that reason, the Tribunal was of the view that article 300 of the Convention could not serve as a basis for the claims submitted by Saint Vincent and the Grenadines.

The Tribunal concluded that no dispute concerning the interpretation or implementation of the Convention existed between the parties at the time when the application was filed, and it therefore found, by 19 votes to 2, that it had no ratione materiae jurisdiction to hear the case.

(*spoke in English*)

I will next address the case of the *M/V Arctic Sunrise (Kingdom of the Netherlands v. Russian Federation)*, another urgent proceeding that was submitted recently to the Tribunal. The case relates to a dispute between the Netherlands and the Russian Federation concerning the arrest and detention of the vessel *M/V Arctic Sunrise*, its crew and other persons on board by the authorities of the Russian Federation. According to the Netherlands, the vessel *M/V Arctic Sunrise*, flying the flag of the Netherlands, was boarded on 19 September 2013 in the exclusive economic zone of the Russian Federation by Russian authorities, who detained the vessel and the 30 persons on board. The vessel was subsequently towed to the port of Murmansk. On 4 October, the Netherlands instituted arbitration proceedings, under annex VII of the Convention, against the Russian Federation. After the expiry of the time limit of two weeks, as provided for in article 290, paragraph 5, of the Convention, the Netherlands submitted a request for provisional measures to the Tribunal on 21 October.

In a note verbale dated 22 October 2013, the Embassy of the Russian Federation in Berlin informed the Tribunal that the Russian Federation did not intend to participate in the proceedings. In that note verbale, the Russian Federation invoked the declaration that it had made upon ratifying the Convention, on 26 February 1997, stating that it

> “does not accept the procedures provided for in section 2 of Part XV of the Convention, entailing binding decisions with respect to disputes concerning law-enforcement activities in regard to the exercise of sovereign rights or jurisdiction”.

On 22 November, the Tribunal adopted its order on the request for provisional measures. In relation to the declaration made by the Russian Federation with respect to law-enforcement activities under article 298, paragraph 1, subparagraph (b), of the Convention, the Tribunal considered that that declaration, prima facie, applied only to disputes excluded from the jurisdiction of a court or tribunal under article 297, paragraphs 2 and 3, of the Convention, concerning marine scientific research and fisheries.

Concerning the non-appearance of the Russian Federation, the Tribunal considered that the absence of a party or the failure of a party to defend its case did not constitute a bar to the proceedings and did not preclude the Tribunal from prescribing provisional measures, provided that the parties had been given the opportunity to present their observations on the subject.

In its order, adopted by 19 votes to 2 votes, the Tribunal prescribed that the Russian Federation shall

immediately release the vessel *M/V Arctic Sunrise* and all persons who had been detained, upon the posting of a bond or other financial security by the Netherlands, which shall be in the amount of €3,600,000, to be posted with the Russian Federation in the form of a bank guarantee. It also prescribed that, upon the posting of that bond or other financial security, the Russian Federation shall ensure that the vessel *M/V Arctic Sunrise* and all persons who had been detained be allowed to leave the territory and maritime areas under the jurisdiction of the Russian Federation.

The Tribunal will also have a busy judicial agenda during 2014. The Tribunal is currently deliberating on the merits of the *M/V "Virginia G" Case (Panama/Guinea-Bissau)*. That case, which was submitted to the Tribunal on 4 July 2011, relates to the arrest on 21 August 2009 of an oil tanker, the *M/V Virginia G*, by the authorities of Guinea-Bissau in the exclusive economic zone of Guinea-Bissau. The vessel was arrested while carrying out refuelling activities. The *M/V Virginia G*, which was sailing under the flag of Panama, was released on 22 October 2010. Panama is seeking reparations for the damage suffered. The hearing in the case was held from 2 to 6 September 2013. I wish to inform members that the Tribunal intends to deliver its judgment in the spring of 2014.

Furthermore, I am glad to report that the Tribunal received a new case in early 2013. On 28 March, the Subregional Fisheries Commission, an organization whose membership comprises seven West African States, requested the Tribunal to render an advisory opinion under article 138 of the rules of the Tribunal. By its order dated 24 May 2013, the Tribunal invited the States parties to the Convention, the Subregional Fisheries Commission and a number of intergovernmental organizations identified by the Tribunal to submit written statements relating to the case by 29 November. Statements were submitted by that date by 18 States parties and six intergovernmental organizations. The time limit for presenting written statements has been extended to 19 December.

I would like to draw attention to the capacity-building programmes on the subject of the peaceful settlement of disputes under the Convention that are offered by the Tribunal. The Tribunal, in cooperation with the Government of Mexico, organized a workshop on the role of the International Tribunal for the Law of the Sea in the settlement of disputes relating to the law of the sea in the Caribbean region. The workshop took place in Mexico City on 5 and 6 June and was attended by participants from 16 States. I take this opportunity to extend our sincere thanks to the Government of Mexico for the invaluable support that it provided for the organization of that event.

A further aspect of the Tribunal's capacity-building activities is its internship programme, which annually gives 20 interns from around the world an opportunity to gain a deeper understanding of the work and functions of the Tribunal. Special trust funds have been established, with assistance from the Korea Maritime Institute and the China Institute of International Studies, to provide financial support to applicants from developing countries. Furthermore, a capacity-building and training programme on dispute settlement under the Convention, organized in cooperation with the Nippon Foundation, has been offered since 2007 for the benefit of young Government officials and researchers. For the 2012-2013 session, eight participants from the following countries received fellowships from the Nippon Foundation: Brazil, the Comoros, Haiti, Indonesia, Lebanon, the Philippines, Tanzania and Tunisia.

I would like to add that the seventh Summer Academy of the International Foundation for the Law of the Sea was held at the Tribunal this year. This year's topic was "Uses and protection of the sea — legal, economic and natural science perspectives". Thirty-six participants from 33 countries attended lectures and workshops dealing with the law of the sea and maritime law. I would like to express my deep gratitude to the institutions I just mentioned for their support.

I would like to conclude by voicing my appreciation to the President of the General Assembly and to Member States for the opportunity given to me to address today's meeting. I would also like to take this opportunity to congratulate the new Legal Counsel, Mr. Miguel de Serpa Soares, and the new Director of the Division for Ocean Affairs and the Law of the Sea, Ms. Gabriele Goettsche-Wanli, on their recent appointments. I am sure that under their leadership, relations between the Tribunal and the United Nations Office of Legal Affairs will be excellent, as they have been under their predecessors. I thank the Assembly for its interest in the Tribunal and its work.

The Acting President: In accordance with resolution 51/6, of 24 October 1996, I now have the honour to call on His Excellency Mr. Nii Allotey

Odunton, Secretary-General of the International Seabed Authority.

Mr. Odunton (International Seabed Authority): Allow me, first of all, to congratulate Mr. John William Ashe on his election to the presidency of the General Assembly at its sixty-eighth session.

I wish to refer to the two draft resolutions before the General Assembly (A/68/L.18 and A/68/L.19) and express my appreciation to Member States for their references to the work of the International Seabed Authority, in particular in parts V and VI of draft resolution A/68/L.18, on oceans and the law of the sea. I also express my appreciation for the comprehensive report of the Secretary-General (A/68/71 and A/68/71/Add.1), which provides detailed background material for our consideration. I wish also to commend the Division for Ocean Affairs and the Law of the Sea, as well as its new Director, for its continued outstanding efforts in the preparation of the report.

As noted in paragraph 48 of draft resolution A/68/L.18, during the nineteenth session of the Authority, the Council of the Authority approved the first two applications for plans of work for exploration for cobalt-rich ferromanganese crusts in the Area. The applications were sponsored by China and Japan, respectively. I offer my congratulations to the applicants on that significant new development in the work of the Authority and look forward to the signature of exploration contracts early in 2014.

During the same session, four other new applications were also considered by the Legal and Technical Commission, and it is expected that they will be submitted to the Council for approval at its next session. That will bring the total number of approved plans of work in the Area to 23, covering a total area in excess of 1.5 million square kilometres. Since the nineteenth session, several more Member States have indicated their intention to submit applications for plans of work for exploration, suggesting that the pace of activity is not likely to diminish in the foreseeable future.

Alongside the dramatic increase in activity in the Area, the year 2014 marks a significant event in the life of the Authority. November 2014 marks 20 years since the establishment of the Authority upon the date of entry into force of the Convention. As noted in paragraph 57 of the draft resolution on oceans and the law of the sea, a commemorative session will take place during the twentieth session of the Authority, from 7 to 25 July 2014. I wish to take this opportunity to urge all members of the Authority to make special efforts to attend that important and momentous event and to participate fully in the twentieth session. I wish to recall, in that regard, that other important issues to be considered during the twentieth session include the election of one half of the membership of the Council, as well as a discussion of the rules, regulations and procedures, including financial terms, for the exploitation of polymetallic nodules in the Area.

As the Authority moves into its third decade of existence, three issues have assumed particular urgency, the first of which concerns the ongoing financing of the Authority. While I am pleased to report that contributions to the 2013 budget have been paid in full by most Member States, I am also grateful that paragraph 54 of draft resolution A/68/L.18 contains a reminder to those States parties in arrears to pay their assessed contributions and fulfil their obligations without delay.

As the pace of activity in the Authority continues to increase, it is inevitable that the budget will also have to change to reflect the increased level of activity. It is therefore important to find ways to make the budget of the Authority sustainable in the long term. Paragraph 55 of the draft resolution makes reference to the decision adopted by the Council during the nineteenth session on overhead charges for the administration and supervision of exploration contracts. That decision, which requires contractors to pay a fixed overhead charge of $47,000 per year, is in the spirit of the relevant provisions of the Convention and the 1994 Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea, which deals with seabed mining, and is intended not only to facilitate the smooth operation of the Authority, but also to relieve in part the financial burden on Member States for the operations of the Authority. As requested by the Council, I am in the process of consulting with existing and potential contractors on the implementation of that decision at the earliest possible opportunity. I look forward to the understanding and cooperation of all current applicants and contractors in that respect.

The second major issue is that the first group of contracts for exploration approved by the Authority are due to expire in the next three years. According to the Convention and the 1994 Implementation Agreement, that means that the contractors must either apply for

a plan of work for exploitation or seek an extension of their plan of work for exploration. It is critical that the Authority be prepared for both eventualities. In addition, under the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, in particular annex 4, section 11, sub-paragraph (b) of paragraph 11.2, upon expiration or termination of the contract, the contractor, if it has not already done so, shall submit, inter alia,

> "the estimation of mineable areas, when such areas have been identified, which shall include details of the grade and quantity of the proven, probable and possible polymetallic nodule reserves and the anticipated mining conditions".

That information is the outcome of years of exploratory work, combined with the development of technology for mining and processing the relevant ores.

With regard to exploitation, the Council has given the Legal and Technical Commission the task of developing the draft regulations for exploitation of polymetallic nodules in the Area. Perhaps the most important element of that task, from the point of view of this new industry, is to establish an appropriate fiscal framework for mining that is fair to industry, investors and to the member States of the Authority, who are intended to be the ultimate beneficiaries of seabed mining. That is an enormous task. A preliminary discussion of the parameters of the draft regulations was held during the nineteenth session, and as a result the secretariat has started work on a study of comparable extractive industry fiscal regimes to assist the Commission at its next meeting.

In the light of the urgency of the matter, the Commission also decided to devote as much time as possible to consideration of the exploitation code at its next meeting, in February 2014. I hope that that will provide substantive information for the Council's consideration at the twentieth session.

In the event that some contractors may seek to extend their exploration contracts, the Commission and the Council will also need to consider the establishment of uniform and nondiscriminatory criteria on the implementation of the provisions of the regulations relating to extensions of plans of work for exploration.

With regard to the resource assessment work that I mentioned earlier, no clear guidelines have been provided to contractors on its completion. While it will require contractors to undertake some form of test mining, much of the required data and information has been acquired during what amounts to the 13 years of their contract, in terms of those whose contracts will expire. The Authority will need to convene a workshop to address the required guidelines for the Legal and Technical Commission's consideration.

The third major issue, which is also reflected in paragraphs 45 and 51 of draft resolution A/68/L.18, relates to the importance of protecting the marine environment. As noted in paragraph 51, the Authority adopted, in 2012, an environmental management plan for the Clarion-Clipperton Zone, which included the provisional designation of a network of areas of particular environmental interest, covering 1.6 million square kilometres of sea floor. As rightly noted in the draft resolution, it is envisaged that the implementation of the plan will be reviewed in the light of new data provided by contractors and others. It is hoped that such a review can be carried out in 2014, subject to the availability of resources for that purpose.

At the sixty-seventh session of the General Assembly, I reported on a major task that had been initiated by the Authority. It was to develop a standardized taxonomy for fauna associated with the three mineral resources for which the Authority has adopted rules, regulations and procedures for prospecting and exploration, namely, polymetallic nodules, polymetallic sulphides and cobalt-rich ferromanganese crusts.

I am pleased to report that the first of three workshops with contractors, on megafauna associated with polymetallic nodules, was completed. The next workshop will deal with standardization of the taxonomy of macrofauna associated with the same mineral — polymetallic nodules. I expect that to occur next year. The information and data that will be generated by those workshops will contribute immensely to the environmental management plan for the Clarion-Clipperton Zone and for other regions in the Area known to contain similar ores.

As also noted in the draft resolution, given the increased interest in marine minerals in other regions, including the Atlantic and Indian Oceans, it is appropriate to consider the development of similar environmental management plans for other regions of interest for exploration. That is another matter the Legal and Technical Commission will need to consider.

In conclusion, allow me to express once again my appreciation to Member States for their support for the Authority and for their commitment to enabling it to carry out its mandate. I look forward to the participation of all Member States in the twentieth anniversary session of the International Seabed Authority in July 2014.

The Acting President: In accordance with resolution 54/195, of 17 December 1999, I now give the floor to the observer of the International Union for Conservation of Nature.

Ms. Powers (International Union for Conservation of Nature): The International Union for Conservation of Nature (IUCN) welcomes the draft resolution on oceans and the law of the sea (A/68/L.18), which reaffirms the commitment to paragraph 162 of the United Nations Conference on Sustainable Development (Rio+20) outcome document, entitled "The future we want" (resolution 66/288, annex). The IUCN also welcomes the progress made in urgently addressing the issue of the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, including a decision on the development of an international instrument under the United Nations Convention on the Law of the Sea.

In that connection, the IUCN further welcomes the process established within the Ad Hoc Open-ended Informal Working Group to prepare for a decision to be taken at or before the sixty-ninth session of the General Assembly, including exchanging views on the scope, parameters and feasibility of an international instrument under the Convention.

We are deeply concerned, however, about the retreat from transparency and open debate reflected in the exclusion of civil society from significant discussions during the most recent meetings of the Working Group, contrary to the spirit of rule 60 of the rules of procedure of the General Assembly, which provides that:

> "The meetings of the General Assembly and its Main Committees shall be held in public unless the organ concerned decides that exceptional circumstances require that the meeting be held in private."

While recognizing the prerogative of Member States to define what is meant by "exceptional circumstances" and appreciating the value of the occasional closed meeting for facilitating a meeting of the minds, the IUCN believes that on matters of common concern and global interest, such as marine biodiversity beyond national jurisdiction, non-public meetings should be the exception. As the high seas and the seabed Area comprise nearly 50 per cent of the planet, it is critical that civil society have a voice in ensuring that the interests of both State and non-State actors are heard.

The IUCN recalls that, in subparagraph 76 (h) of the Rio+20 outcome document, it was agreed to

> "[e]nhance the participation and effective engagement of civil society and other relevant stakeholders in the relevant international fora and in this regard promote transparency and broad public participation and partnerships to implement sustainable development".

If the circulation of States' views is restricted, as foreseen under paragraph 201 of the draft resolution, or if intergovernmental organizations and non-governmental organizations are excluded from significant portions of future meetings of the Working Group, the ability of civil society and other stakeholders to effectively prepare for and engage in the Working Group process will be hindered. That would set an unfortunate precedent for future meetings on ocean affairs and have broader ramifications for the participation of intergovernmental and non-governmental organizations in future meetings within the United Nations system. It would also run counter to a shared view on the part of Governments for greater inclusion and participation by civil society, as most recently voiced in the Rio+20 outcome document.

As is recalled in paragraph 195 of the draft resolution on oceans and the law of the sea, the Working Group has benefited from the technical expertise and substantive input provided by civil society at the intersessional workshops held in May 2013 and throughout the work of the Working Group. In addition, many Governments also benefit from, rely on and welcome the technical expertise and varied points of view provided by civil society.

The IUCN therefore urges Member States to recognize the importance of involving civil society in the substantive discussions of the Working Group in order to ensure that civil society has timely access to the information needed, so as to be able to provide substantive input and represent those not present who care deeply about the health, productivity and resilience of the global ocean and its contribution to

sustainable development for the benefit of present and future generations.

The Acting President: We have heard the last speaker in the debate under agenda item 76 and its sub-items (a) and (b).

The Assembly will now consider draft resolutions A/68/L.18 and A/68/L.19.

I shall first give the floor to the representative who wishes to speak in explanation of vote before the voting. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

I give the floor to the representative of the Bolivarian Republic of Venezuela.

Ms. Cabello de Daboin (Bolivarian Republic of Venezuela) (*spoke in Spanish*): My delegation wishes to address the draft resolution contained in document A/68/L.18, on oceans and the law of the sea, under sub-item (a) of agenda item 76, which is bef. We would like to express our gratitude to the facilitator of the draft resolution, Ambassador Eden Charles, as well as to the Division for Ocean Affairs and the Law of the Sea.

I take this opportunity to recall once again that Venezuela is not a party to the United Nations Convention on the Law of the Sea (UNCLOS). For that reason, the norms mentioned in that instrument, including those that could be characterized as customary law, are not applicable, except for those that the Bolivarian Republic of Venezuela has recognized expressly. We reiterate that Venezuela is not a party to the United Nations Convention on the Law of the Sea, since it cannot contravene fundamental principles and basic rights to which it adheres and that remain valid and relevant to this day.

Venezuela would like to stress the priority that our State policy accords to the matter of the oceans and the law of the sea, as reflected in a broad spectrum of domestic legislation and in our 2013-2019 national plan, whose status is legally binding as per its amendment entitled Contributing to the Preservation of Life on Earth and the Salvation of the Human Race. The amendment calls for the construction and promotion of an eco-socialist model of economic production based on a harmonious relationship between humankind and nature that ensures the rational, optimal and sustainable use and exploitation of natural resources, among them marine resources, and that must respect the processes and cycles of nature.

Venezuela has fulfilled its international obligations under the law of the sea. It has advocated for the comprehensive development of the law of the sea with a view to ensuring justice and has emphasized that all negotiations related to that law should reflect criteria and principles relating to sustainable development and the preservation and sustainable use of the marine environment and its resources for future generations. In that spirit, my delegation has cooperated with efforts to promote coordination on matters pertaining to the oceans and the law of the sea, in accordance with international law, and it has participated constructively in consultations on the draft resolution.

My delegation therefore reaffirms its historical position on the United Nations Convention on the Law of the Sea, which it has expressed in various international forums, namely, that that instrument should not be considered the sole legal framework governing all activities related to oceans and seas, and that it cannot be characterized as universal. For those reasons, the Bolivarian Republic of Venezuela believes that, although the text before us contains elements that we are able to endorse, it also contains elements that have also led my country to withhold support from the outcome document of the United Nations Conference on Sustainable Development (Rio+20) (resolution 66/288, annex), including matters relating to marine biodiversity that are reflected in section X, particularly in paragraphs 197 and 198, of the draft resolution.

In that regard, my country attaches the highest importance to the sustainable exploitation of biodiversity-sensitive resources beyond national jurisdiction, which should be governed by a specific, distinct international instrument separate from UNCLOS and the Convention on Biological Diversity, one in which a sense of caution and the desire to safeguard the rights of humankind as a whole prevails. My delegation expresses the hope that future decisions on the subject, including the negotiation of a multilateral instrument, will be guided by a spirit of inclusion.

Finally, the lack of consensus on various issues addressed in the draft resolution, not to mention practices that run counter to established jurisprudence, highlights the need for review in a future updating of the terms of the Convention, including a review of the matters that prevent that instrument from being truly

universal. There are new situations for the Convention to address. The forced extension of the principles, norms, criteria and procedures of UNCLOS to those new situations has proved, at the very least, to be insufficient, if not counterproductive. That has affected the development of a regime that should address the most important contemporary issues relating to the oceans and seas in a balanced, equitable and inclusive manner.

In view of the foregoing, the Bolivarian Republic of Venezuela will abstain in the voting.

The Acting President: We turn first to draft resolution A/68/L.18, entitled "Oceans and the law of the sea".

I give the floor to the representative of the Secretariat.

Mr. Botnaru (Department for General Assembly and Conference Management): I would like to announce that, since the submission of the draft resolution, in addition to those delegations listed in document A/68/L.18, the following countries have become sponsors: Australia, Bahamas, Barbados, Cameroon, Canada, Chile, Costa Rica, Cyprus, the Czech Republic, Finland, Greece, Guatemala, Indonesia, Luxembourg, Madagascar, Maldives, Mexico, Micronesia, Montenegro, Nauru, Palau, Portugal, Romania, Samoa, Slovenia, Sweden, Tonga, Ukraine and the United States of America.

The Acting President: A recorded vote has been requested.

A recorded vote was taken.

In favour:

Algeria, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Belgium, Bhutan, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Chile, China, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Libya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Myanmar, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sudan, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, Yemen, Zambia

Against:

Turkey

Abstaining:

Colombia, Venezuela (Bolivarian Republic of)

Draft resolution A/68/L.18 was adopted by 115 votes in favour, 1 against and 2 abstentions (resolution 68/70).

[Subsequently, the delegation of Mauritius informed the Secretariat that it had intended to vote in favour.]

The Acting President: The General Assembly will now take a decision on draft resolution A/68/L.19, entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments."

I give the floor to the representative of the Secretariat.

Mr. Botnaru (Department for General Assembly and Conference Management): I should like to announce that, since the submission of the draft resolution, and in addition to those delegations listed in document A/68/L.19, the following countries have also become sponsors of the draft resolution: Barbados, Chile, Costa Rica, Denmark, Maldives, Micronesia, Montenegro, Nauru, Palau, Samoa, Slovenia, Tonga and Ukraine.

The Acting President: May I take it that the General Assembly decides to adopt draft resolution A/68/L.19 without a vote?

Draft resolution A/68/L.19 was adopted (resolution 68/71).

The Acting President: Before giving the floor to speakers in explanation of position or vote, may I remind delegations that explanations are limited to 10 minutes and should be made by delegations from their seats.

Ms. Cabello de Daboin (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The delegation of the Bolivarian Republic of Venezuela wishes to refer to resolution 68/71, entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments," which has just been adopted. Once again, we would like to express our gratitude to the representative of New Zealand, Ms. Alice Revell, in her capacity as facilitator on the resolution.

For my delegation, the fisheries and aquaculture sector is a priority in our national development plans. It is reflected in our national plan for 2013-2019, which was adopted by our Parliament as a law of our country, thereby making it binding. Its objectives are to promote fisheries development through the modernization of our fleet of vessels and the marine and riverine fisheries infrastructure, begin the construction of 14 fisheries processing sites on our national territory and a shipyard, and establish a centre for the genetic improvement of shrimp.

To supplement that plan, a broad range of norms and standards has been established by the public authorities through programmes aimed at the conservation, protection and management of hydrobiological resources and at promoting the responsible and sustainable use of those resources. That is done by addressing, inter alia, biological and economic aspects, in addition to those pertaining to food security, society, cultural issues, environmental issues and the relevant trade factors.

The Venezuelan law on fisheries prohibits trawler fishing and establishes a regime of sanctions to be applied in the event of non-compliance with conservation and management measures. Moreover, measures also include the control of vessels that fly the national flag and engage in fisheries activities, including through a system of inspection and control of operations on the high seas and by transmitting relevant information to the fisheries management entity. That provides the exact geographic location where the fishing is being undertaken, which helps to ensure compliance with the norms established by law for the management of resources.

On the international level, our country has expressed its commitment to sustainable fisheries through the implementation of the principles contained in the Food and Agricultural Organization's Code of Conduct for Responsible Fisheries and chapter 17 of Agenda 21, which was adopted by the 1992 United Nations Conference on Environment and Development. We have also participated actively in regional cooperation organizations.

The Bolivarian Republic of Venezuela is also party to various international instruments that seek to insure the preservation and organization of fisheries. The Bolivarian Republic of Venezuela is not, however, party to the United Nations Convention on the Law of the Sea, nor to the 1995 Agreement on 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. Nor are the standards of those international instruments applicable under customary international law, with the exception of those that the Bolivarian Republic of Venezuela has recognized or will recognize in the future through the adoption of those provisions into our domestic legislation. However, for the sake of consensus my delegation has not impeded progress on resolution 68/71, on sustainable fisheries.

Nevertheless, the Bolivarian Republic of Venezuela reaffirms its historical position with regard to the United Nations Convention on the Law of the Sea and its related instruments, which has led us to express a reservation with regard to the contents of the resolution.

Ms. Millicay (Argentina) (*spoke in Spanish*): Our explanation of Argentina's position refers to resolution 68/71, on sustainable fisheries, which was just adopted. Argentina joined with the consensus regarding the adoption of the resolution. However, once again, we would like to indicate that none of the recommendations contained in the resolution can be interpreted as meaning that the provisions contained in the Agreement on 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, adopted in New York in 1995, can be deemed to be binding on those States that have not expressly agreed to be bound by that Agreement.

The resolution that we have just adopted contains paragraphs on the implementation of the recommendations issued on the aforementioned instrument at the 2006 Review Conference of the Fish Stocks Agreement. Argentina reiterates that the those recommendations cannot be considered applicable, not even as guidelines, for those States that are not parties to the Agreement.

That is particularly relevant in the case of those States that have dissociated themselves from these recommendations, as would be the case of Argentina. As in previous sessions, Argentina has dissociated itself from the consensus in the Assembly regarding those paragraphs of the resolution relating to the 1995 New York Agreement and the recommendations issued by the 2006 Review Conference on that instrument.

At the same time, Argentina recalls that existing international law does not authorize regional fisheries management organizations, arrangements or their member States to take any action with respect to vessels that fly the flag of States that are not members of such organizations or arrangements or have not explicitly consented to be subject to such measures. Nothing in the resolutions of the General Assembly, including the one just adopted, should be interpreted in a manner contrary to that conclusion.

At the same time, I wish once again to recall that the implementation of conservation measures and the conduct of scientific research or any other activity recommended in resolutions of the General Assembly, in particular resolution 61/105 and concordant resolutions, inevitably take as their legal foundation the international law of the sea in force as reflected in the Convention, including its article 77 and part XIII. Therefore, the implementation of those resolutions cannot be claimed as a sort of justification for denying or ignoring the rights established under the Convention, and nothing in resolution 61/105 or in other resolutions of the General Assembly can affect either the sovereign rights of coastal States over their continental shelf or the exercise of jurisdiction by coastal States with regard to their continental shelf under international law.

Paragraph 143 of the resolution just adopted contains a very relevant reminder of that concept, which is already reflected in resolution 64/72 and in subsequent resolutions. In that same vein and as was done in previous resolutions, paragraph 144 recognizes the adoption by coastal States, including Argentina, of measures to address the impacts of bottom fishing on vulnerable marine ecosystems throughout their entire continental shelf, as well as their efforts to ensure compliance with those measures. That consideration is particularly relevant when it comes to the preservation of vulnerable marine ecosystems related to sedentary resources located on the continental shelf.

Finally, we would like to reiterate that the increasing differences of opinion with respect to the contents of the resolution on sustainable fisheries seriously threaten the likelihood of such resolutions being adopted by consensus at future sessions.

Mr. Özöktem (Turkey): Turkey voted against resolution 68/70, entitled "Oceans and the law of the sea". I would like to recall that the reasons that have prevented Turkey from being a party to the United Nations Convention on Law of the Sea remain valid. Turkey supports international efforts to establish a regime for the sea that is based on the principle of equity and is acceptable to all States. However, in our opinion, the Convention does not provide sufficient safeguards for special geographical situations and, as a consequence, does not take into consideration conflicting interests and sensitivities stemming from special circumstances. Furthermore, the Convention does not allow States to register reservations to its articles.

Although we agree with the Convention in its general intent and with most of its provisions, we are unable to become a party to it, owing to those prominent shortcomings. That being the case, we cannot support a resolution that calls upon States to become parties to the United Nations Convention on the Law of the Sea and harmonize their national legislation with its provisions.

With regard to resolution 68/71, on sustainable fisheries, I would like to state that Turkey is fully committed to the conservation, management and sustainable use of marine living resources and attaches great importance to regional cooperation to that end. In that context, Turkey supported resolution 68/71. However, Turkey disassociates itself from references

made in the resolution to international instruments to which it is not a party. Those references should therefore not be interpreted as a change in the legal position of Turkey with regard to those instruments.

The Acting President: We have heard the last speaker in explanation of vote or position.

May I take it that it is the wish of the General Assembly to conclude its consideration of sub-items (a) and (b) of agenda item 76 and of agenda item 76 as a whole?

It was so decided.

The meeting rose at 5.35 p.m.