



# General Assembly

Seventy-first session

**55<sup>th</sup>** plenary meeting  
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 New York

Official Records

*President:* Mr. Thomson . . . . . (Fiji)

*In the absence of the President, Mr. Bouah-Kamon (Côte d'Ivoire), Vice-President, took the Chair.*

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

## Agenda item 73 (continued)

### Oceans and the law of the sea

#### Draft resolution (A/71/L.27)

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

##### Reports of the Secretary-General (A/71/74 and A/71/74/Add.1)

**Report on the work of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (A/71/362)**

**Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its seventeenth meeting (A/71/204)**

#### Draft resolution (A/71/L.26)

#### (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

#### Report of the Secretary-General (A/71/351)

#### Draft resolution (A/71/L.24)

**Ms. Yparraguirre** (Philippines): The Philippines extends its thanks and appreciation to South Africa and Norway for coordinating our annual draft resolutions on oceans and the law of the sea (A/71/L.26) and sustainable fisheries (A/71/L.24) and to Palau for its work on the draft resolution on World Tuna Day (A/71/L.27).

As another year draws to a close, it comes as no surprise that we will adopt the first two annual draft resolutions on the most massive and comprehensive subject that we consider every year. After all, water covers more than two thirds of the Earth's surface, and one half of that surface comprises the high seas, which are beyond the jurisdiction of any State. Our sustained global cooperation is therefore paramount. Sustainable Development Goal 14 of our 2030 Agenda for Sustainable Development binds us to conserve and sustainably use the oceans, seas and marine resources. They form an integral and essential component of the planet's ecosystem and are therefore critical to sustaining it.

The Philippines is a State party to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly

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Migratory Fish Stocks, and related instruments. We are committed to the conservation and optimum utilization of straddling and highly migratory fish stocks, both within and beyond the exclusive economic zone, and the management of those stocks based on a precautionary approach and the best available scientific information. The Philippines is also committed through the United Nations Conference on Sustainable Development (Rio+20) to eliminating illegal, unreported and unregulated fishing, and subsidies that contribute to such fishing and overcapacity, and to enhancing actions to protect vulnerable marine ecosystems from significant adverse impacts.

The draft resolution on oceans and the law of the sea before us articulates our deepening concern over the continued threat of human activity on marine environments and biodiversity. It reaffirms our Rio+20 commitments to improve our understanding of the adverse impact of climate change on oceans and seas. We look forward to the next Informal Consultative Process next May on the effects of climate change on the oceans. We will also follow the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, which has entered its second cycle. Consistent with the Manila Declaration on Furthering the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, we must enhance our action to address marine pollution, including marine debris, which compromises the health of the oceans and marine biodiversity. We need to neutralize, if not reverse, the adverse economic, social and environmental impacts of the physical alteration and destruction of marine habitats that might result from land-based and coastal development activities.

Moreover, in remaining consistent with the 2010 Manila amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, we must enhance maritime safety and security, and combat piracy. The Philippines once again calls on all States that have not yet done so to ratify the United Nations Convention on the Law of the Sea (UNCLOS), our constitution for the oceans and seas, and contribute to its universality. UNCLOS has become the key to ensuring global and regional peace in our just and sustainable use of the world's oceans and their resources, representing a delicate and careful balance of

the rights and obligations of all States parties, whether big or small, rich or poor, or coastal or landlocked.

Our commitment to the rule of law and the peaceful settlement of disputes extends to the 12 July award rendered by the arbitral tribunal constituted under annex VII of UNCLOS for the settlement of disputes. In clarifying the maritime entitlements of the relevant parties, that decision has upheld the primacy of international law as the cornerstone for a rules-based regional and international order. It is final and binding on the parties and is now part of international jurisprudence in the maritime domain.

In that spirit, the Philippines reaffirms its support for the treaty bodies. We continue to follow the judicial work of the International Tribunal for the Law of the Sea, and we join in the commemoration of its twentieth anniversary this year. We also attach great importance to the work of the International Seabed Authority, which seeks to more equitably and more sustainably manage the mineral-related activities in the Area and our common heritage and its contribution to capacity-building and marine scientific research. We also applaud the progress in the work of the Commission on the Limits of the Continental Shelf in considering submissions on the establishment of the outer limits of the continental shelf beyond 200 nautical miles, in conformity with article 76 of UNCLOS.

The Philippines looks forward to another important year next year, when we will discuss the specifics of a future international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. We will also dissect Sustainable Development Goal 14 at a conference meant to address how to best conserve and sustainably use the oceans, seas and marine resources for sustainable development.

**Mr. Wu Haitao** (China) (*spoke in Chinese*): The past year witnessed remarkable achievements in the work of the three institutions that are based on the United Nations Convention on the Law of the Sea, namely, the International Seabed Authority (ISA), the Commission on the Limits of the Continental Shelf (CLCS) and the International Tribunal for the Law of the Sea. In that connection, I wish to express my congratulations on their achievements.

I also wish to thank the Division for Ocean Affairs and the Law of the Sea for its diligent work as the secretariat that has ensured the smooth conduct of the

necessary work. Draft resolutions A/71/L.26, entitled “Oceans, the law of the sea”, and A/71/L.24, on sustainable fisheries, take stock of overall developments in international oceans and the law of the sea over the past year. Draft resolution A/71/L.27, on World Tuna Day, is of great significance, as it demonstrates our commitment to the protection of marine biological resources. The Chinese delegation has played an active and constructive part in the consultations on the aforementioned resolutions. I would also like to express my appreciation to the facilitators for their efforts and contributions. While much progress has been made in the area of the oceans and the law of the sea, many new issues and challenges have also emerged. In that regard, I wish to take this opportunity to share the Chinese position and ideas.

First of all, we should strengthen international cooperation so as to realize the sustainable development of the oceans and seas, which are the home of all humankind and a valuable space for sustainable development. The 2030 Agenda for Sustainable Development sets a higher bar for us in the protection and sustainable use of the oceans and seas. We must foster the awareness of a community of humankind with a shared future and engaged in close cooperation. We must join hands in tackling various challenges relating to the oceans and seas. China has put forward initiatives for developing the blue economy and building the 21st Century Maritime Silk Road, which we believe would greatly promote international cooperation on maritime affairs. China hopes that the international community will jointly promote the implementation of the 2030 Agenda for Sustainable Development to realize sustainable marine development.

Secondly, we must promote the rule of law on the oceans and seas and establish and maintain a fair and reasonable maritime order. The United Nations Convention on the Law of the Sea has provided a comprehensive legal framework and the foundation for the maritime activities of States parties. It has set forth balanced provisions regarding the rights and obligations of States parties with regard to the peaceful use and conservation of the oceans and seas. All parties must uphold the purposes and principles of the Convention and interpret and apply the Convention and its dispute-settlement mechanism with goodwill and in an accurate and comprehensive manner, and must avoid abusing its provisions. In that respect, the Tribunal can play a more positive role. This year marks

the twentieth anniversary of the Tribunal, and China wishes to congratulate it on its achievements over the past 20 years. We hope the Tribunal will continue to make efforts to effectively safeguard the authority and integrity of the Convention.

China appreciates the positive contribution made by the Commission on the Limits of the Continental Shelf to maintaining the balance of the legitimate rights and interests of coastal States, on the one hand, and the overall interests of the international community, on the other. The Commission also seeks to promote the stability of the international maritime order. We support the Commission in its efforts to continue to fulfil its responsibilities, in strict compliance with the Convention and its own rules of procedure.

Thirdly, we must fully coordinate our positions and steadily advance international maritime governance. Right now, the attention of the international community is focused on the negotiation of an international agreement on the conservation and sustainable use of marine biological diversity beyond the areas of national jurisdiction. Parties should engage in thorough exchanges and consultations during the negotiations, and fully consider the legitimate need of countries, developing countries in particular, to use marine biological resources. Parties should also advance the negotiation process steadily. It is undesirable to seek a result in haste. The new agreement must not compromise the rights of navigation, scientific research, fishing and mining that countries enjoy under the Convention.

The priority of the work of the International Seabed Authority is to formulate regulations governing the exploitation of seabed resources. As such regulations bear most directly on the exploitation of the international seabed mineral resources, the Authority needs to hear the views and ideas of all sides, take a prudent approach in its considerations and conduct its work in a progressive manner and on a sound scientific and factual basis.

The Chinese Government attaches great importance to and actively supports international endeavours in the areas of oceans affairs and the law of the sea, and has made donations, within its capacity, to ISA and CLCS in support of their work. China is in favour of the provisions in this year’s draft resolution on oceans and the law of the sea that seek to include the landlocked developing countries and middle-income countries in difficult circumstances in the scope of

capacity-building assistance and technical assistance. We believe that this is conducive to promoting a greater contribution of developing countries to the oceans and the law of the sea affairs and will be helpful to the common development of all countries.

China highly values peace and stability in the South China Sea. We have always taken a constructive and responsible approach in addressing the issue of the South China Sea. Currently, thanks to the joint efforts of China and the Association of Southeast Asian Nations, the situation in the South China Sea is developing in a positive direction. The issue is back on the right track of dialogue and consultations. We hope that all countries concerned will work with us to seek a solution to the dispute through negotiations and consultations in a joint effort to maintain peace and stability in the South China Sea. The so-called arbitration on the South China Sea is, however, null and void and is absolutely not binding. China does not accept it, has not participated in it and does not recognize it. In the interest of the international rule of law, the page has been turned on the so-called arbitration.

China will always act as a defender of the international maritime rule of law, a builder of a harmonious maritime order and a promoter of sustainable marine development. We look forward to continued efforts to strengthen cooperation with all countries so as to further promote the protection and sustainable use of oceans and seas.

**Mr. Drobnjak** (Croatia): Croatia aligns itself with the statement delivered earlier by the observer of the European Union (see A/71/PV.54). I will make several brief remarks and limit them to draft resolution A/71/L.27, on the proclamation of World Tuna Day.

As a country with more than 6,000 kilometres of coastline along our mainland and islands combined, Croatia is proud to be one of the sponsors of the draft resolution. The fact that it has attracted almost 60 sponsors from all regions of the world confirms the awareness of global communities of the need to safeguard tuna, and through it, protect the value of world oceans and seas and their resources. In particular, Croatia would like to express its gratitude to the Republic of Nauru and the other countries of the Pacific small island developing States group for their engagement in presenting draft resolution A/71/L.27, which serves as a testament to the high level of the world's awareness of the efforts to protect and safeguard the tuna species.

Tuna fishing has had a long tradition in Croatia since the fifteenth century, and that highly valuable and nutritious fish species has proven to be a precious commodity and food source for generations of Croatians. With the aim of honouring the tuna, once Croatia had gained independence and started minting its own coins, our country paid tribute to the tuna fish in 1994 by putting it on its two-kuna coin. Croatia thus stands proud as the only country in the world with the tuna fish featured on its official currency.

Tuna fishing and farming form an important part of the local economy of Croatia's coastal regions. The Atlantic bluefin tuna is the most widespread species in the Adriatic Sea and an important export product of Croatia that is sold worldwide. Needless to say, tuna stocks are not infinite. In fact, the species is classified today as "endangered" by the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Therefore, every national and international effort to protect and conserve the species is as important as it is necessary, whether on the part of national authorities or on the part of international organizations.

In closing, Croatia is looking forward to further cooperation with all like-minded countries in protecting the tuna species. Let us hope that the newly proclaimed World Tuna Day will send a strong and positive message aimed at raising awareness of the importance and vulnerability of the species. By doing so, the world community will help in preserving tuna as a food resource as well as a driver of economic development and employment for coastal communities. Moreover, it will serve as another small but important positive contribution towards the implementation of the 2030 Agenda for Sustainable Development.

**Ms. Sigurðardóttir** (Iceland): The oceans are of fundamental importance to all life on earth. They are important in food security, as routes for international transportation and communication, and as factors in the world's weather and climate systems. It is imperative for all of us, individually and collectively, to keep our oceans clean and the marine environment healthy.

The many yearly activities related to oceans and the law of the sea at the United Nations are a testament to the importance of that field. The United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, the Regular Process and the annual negotiations on the two landmark draft resolutions that we are discussing today are a few examples of the

numerous oceans-related processes. Additionally, this year we undertook reviews of the 1995 United Nations Fish Stocks Agreement and the impacts of bottom fishing on vulnerable marine ecosystems.

The entry into force of the Food and Agriculture Organization of the United Nations Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing in June is welcomed by Iceland, as it provides an important tool to prevent, deter and eliminate illegal, unreported and unregulated fishing.

The importance of oceans is further confirmed by Sustainable Development Goal 14, which addresses the conservation and sustainable use of oceans, seas and marine resources. Seas and oceans have great potential for innovation and growth in a number of sectors and in contributing to poverty eradication and sustained economic growth.

The sustainable management of the oceans will be in focus next year at both the High-level Political Forum on Sustainable Development and the Conference to Support the Implementation of Sustainable Development Goal 14, which is meant to underpin existing processes and encourage wider partnerships in that field. Iceland will participate actively in those events, sharing experiences and working with other stakeholders to mark the way towards achieving our common goal of healthy oceans and the sustainable use of marine resources.

Iceland stresses the importance of including oceans-related considerations in the implementation of climate policies. According to scientific information, the period from 2011 to 2015 was the warmest five-year period on record globally, with 2015 the warmest year on record to date. Arctic sea ice continued its rapid decline in the same period, reaching the lowest winter maximum on record in 2016 for the second year in a row. In Iceland, we are also witnessing the accelerating recession of our glaciers and record high temperatures in recent years.

That development has direct consequences for the oceans. Global sea levels have continued to rise in recent years, fish stocks are changing distribution owing to changing temperatures in the oceans, and within a few decades we may even see an ice-free Arctic during the summer. Orchestrated action in that field by the global community has never been more urgent. We therefore welcome the decision by the Assembly to focus the

discussions at the next Informal Consultative Process on the theme of the effects of climate change on oceans.

International cooperation, coordinated solutions and a common legal framework are needed to address the challenges facing the oceans and the marine environment. The core international legal instrument in that field is the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which establishes the overarching legal framework within which all activities on the oceans and seas must be carried out.

Two implementing agreements under UNCLOS are already in force, and the General Assembly decided in resolution 69/292 to commence development of a third one. A Preparatory Committee was established by that resolution to develop an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, and it has worked diligently this past year under the able chairmanship of His Excellency Ambassador Eden Charles of Trinidad and Tobago. By the end of next year, the Committee will make substantive recommendations to the General Assembly on the elements of a draft text of an international, legally binding instrument on that issue.

Iceland participates actively in that work and has consistently emphasized the importance of the mandate of resolution 69/292. Issues already subject to an adequate international legal regime should not be reopened, and, as prescribed in paragraph 3 of that resolution, the work

“should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies”.

A good example of that is high-seas fisheries, which are subject to the legal regime of the Law of the Sea Convention, which is complemented by the 1995 United Nations Fish Stocks Agreement. The future instrument governing areas beyond national jurisdiction must, accordingly, adapt to those and other existing legal instruments.

In Iceland's view, the greatest challenge for the negotiations on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction will be finding a solution to how this can best be done. We look forward to the constructive work of the Preparatory Committee in 2017 and to its consensus-based outcome before the end of next year.

Iceland attaches great importance to the work of the Commission on the Limits of the Continental Shelf. We take note of the serious concern expressed in draft resolution A/71/L.26 on the oceans and the law of the sea with respect to the critical lack of funds in the voluntary trust fund for the purpose of defraying the cost of participation of developing States members of the Commission in the meetings of the Commission. We will continue to make contributions to the trust fund and encourage other Member States to do the same.

This year, we celebrate the twentieth anniversary of the International Tribunal for the Law of the Sea. Iceland pays tribute to the Tribunal's important contribution to the peaceful settlement of disputes concerning the law of the sea. As we approach the election of judges next year, we are encouraged by nominations of female candidates and hope for a better gender balance in the very near future.

Iceland highly appreciates the valuable assistance States enjoy in their work in the field of oceans and the law of the sea. We are particularly grateful to all the able staff at the Division for Ocean Affairs and the Law of the Sea for their unflinching support and outstanding work. We also want to commend the facilitator of the draft resolution on sustainable fisheries (A/71/L.24), Mr. Andreas Kravik of Norway, and the facilitator of the draft resolution on oceans and law of the sea (A/71/L.26), Mr. Thembile Joyini of South Africa, for their professional work and able stewardship in the negotiations of these draft resolutions. Finally, we would like to thank their predecessors, Ms. Alice Revell of New Zealand and Ambassador Eden Charles of Trinidad and Tobago, for their excellent work in recent years.

Iceland is heavily dependent on the sustainable use of living marine resources. Healthy oceans and robust marine ecosystems remain a constant concern for our nation of seafarers and fishermen, and international cooperation towards that aim is a long-standing priority for us. We therefore welcome the adoption of the two annual landmark resolutions in this field, as well as draft resolution A/71/L.27 on World Tuna Day under discussion here today. Iceland stands ready for another active year of ocean affairs in 2017.

**Mr. Daunivalu (Fiji):** I would like to begin by thanking the President of the General Assembly for convening today's debate under sub-items (a) and (b) of agenda item 73, on oceans and the law of the sea and

sustainable fisheries, respectively. These are of course issues of great importance to Fiji and the Pacific. The growing prominence of oceans issues at the United Nations in 2016, and, naturally, in the coming year, is indeed gratifying for us and indicative of the President's strong commitment to the oceans.

Fiji aligns itself with the statements made by the Permanent Representative of Palau on behalf of the Pacific small island developing States and the Permanent Representative of Micronesia on behalf of the Pacific Islands Forum (see A/71/PV.54).

We join other delegations in commending the work done by Mr. Thembile Joyini of South Africa, Mr. Andreas Kravik of Norway and Mrs. Margo Deiye of Nauru in coordinating, under the current agenda item, the draft resolutions on oceans and the law of the sea (A/71/L.26), sustainable fisheries (A/71/L.24) and World Tuna Day (A/71/L.27), respectively.

Fiji attaches great importance to the United Nations Convention on the Law of the Sea (UNCLOS). It is a monumental achievement of the international community of the United Nations, which has provided the very foundation that gives life to the governance of our oceans and the law of the sea. Our commitment to UNCLOS is reflected by the fact that Fiji was the first country to ratify the Convention in 1982.

For Fiji, a large-ocean State, the ocean is the lifeblood of its economy and its people. The ocean provides us with one of our key sources of income and therefore of economic growth and development, which speaks volumes for our active involvement in oceans-related issues at the United Nations. We very much welcome the adoption of the draft resolution on World Tuna Day, the adoption of which will certainly help raise awareness annually on the critical challenges facing our world fisheries today, including, inter alia, illegal, unreported and unregulated fishing and overfishing. In the same vein, we look forward to the adoption of the draft resolutions on oceans and the law of the sea and on sustainable fisheries, which have been strengthened this year by the convening of the Fish Stocks Agreement Review Conference held in May 2016.

We emphasize the vulnerability of Fiji and other countries in our region in face of such threats as rising sea levels, climate change, ocean acidification, marine pollution, depletion of fish stocks and the unpredictability of weather patterns, to name but a few. These are long-standing issues that have been raised

time and again at the United Nations. Addressing them will certainly require us to move beyond the business-as-usual approach. The adoption of the 2030 Agenda for Sustainable Development, with the stand-alone Sustainable Development Goal 14, on oceans, is a step in the right direction and reflects the diverse approaches taken to address oceans issues.

The year 2017 marks a very important year for oceans, when the global community will come together in New York from 5 to 9 June for the high-level United Nations Conference to Support the Implementation of Sustainable Development Goal 14. Fiji, together with Sweden, as hosts of the Conference, would like to encourage all Member States to participate at a high level. The June 2017 Conference will be a moment of truth as far as the oceans are concerned. It will provide an opportunity for all stakeholders to come together to learn more about the truth of the current state of the oceans and what needs to be done to ensure we reverse the decline in their health.

The Conference is expected to be the game-changer that the ocean desperately needs to galvanize support and resolve once and for all for taking affirmative steps towards saving the oceans. At the Conference, we encourage all Governments to come forward and devise an ambitious call to action to set a positive tone. More importantly, however, we encourage all other stakeholders to participate at the partnership dialogues and build successful partnerships with a view to advancing the implementation of Sustainable Development Goal 14.

**Mrs. Rolón Candia** (Paraguay) (*spoke in Spanish*): At the outset, my delegation aligns itself with the statement made by the representative of Zambia on behalf of the group of landlocked developing countries (see A/71/PV.54). In our national capacity, we wish to make a few comments.

We too thank the Secretary-General for his report on oceans and the law of the sea (A/71/74) and for the other documents related to the topic. We also wish to take this occasion to express the high value we attach to the work of the Division for Ocean Affairs and the Law of the Sea, within the Office of Legal Affairs.

This is the first time that Paraguay is co-sponsoring the annual draft resolution on oceans and the law of the sea (A/71/L.26), which will be submitted to the General Assembly for adoption in the next several days. We welcome the fact that the text includes references

to landlocked developing countries and, in particular, references to capacity-building. For Paraguay, the inclusion of countries with our geographical characteristics represents progress because the challenge of sustainably using marine resources is global and involves all humankind. We are aware that any action taken in the marine environment entails consequences that will eventually affect all countries, not just coastal States.

The value of the oceans and seas is incalculable for humankind. My delegation recalls the commitment of the entire international community to the conservation and appropriate use of the marine environment. We believe that a large share of our efforts must be directed towards that end. Accordingly, members should pay heed to the conclusions of the report of the Secretary-General with regard to the negative effects that will impact the oceans unless urgent measures are taken on a global scale to guide human behaviour and activities towards a more sustainable use of the oceans.

With the adoption of the 2030 Agenda for Sustainable Development and the signing of the Paris Agreement on Climate Change under the United Nations Framework Convention on Climate Change, we have made progress in establishing frameworks for action for the years to come. The challenge lies in implementation. We emphasize that our work must be general and collective, with a view to carrying out effective actions that encourage the use of resources in a responsible manner. We understand, therefore, the necessity of our participation in international and regional forums on matters pertaining to the oceans and seas in order to transform our invaluable experiences into policies that should contribute to the sustainability of resources.

We remind the General Assembly that landlocked developing countries represent 12.5 per cent of the Earth's surface, approximately 4 per cent of the world's population and, at the United Nations, slightly more than 16 per cent of its membership. Most global trade is facilitated through the oceans and seas. That is an inescapable reality for my country. The sustained growth of our economy has led to an increase in trade leading to a greater demand for the transport of exported and imported goods — a demand that, in turn, has favoured the development of transportation services. Today, Paraguay has the third largest fleet of inland navigation vessels in the world, which transport goods along rivers and connect to high-seas vessels. In

that context, Paraguay reaffirms that landlocked States must enjoy the freedom of transit through the territory of transit States by all means of transport under articles 87, 91 and 125 of the United Nations Convention on the Law of the Sea (UNCLOS) and in accordance with the Vienna Programme of Action for Landlocked Developing (resolution 69/137).

Paraguay participated in the negotiations on UNCLOS, one of the most important multilaterally agreed instruments in history. It represents a concrete example of humankind's collective efforts in the drafting of an instrument that regulates the use of one of the vital resources of the planet, and its scope encompasses the political, economic and strategic spheres. The Convention has been in force for more than two decades and is no stranger to the challenges that globalization and growth in trade represent. My delegation understands that it is possible to improve the conservation and sustainable use of ocean resources in accordance with international law, which means that it is necessary to continue to strengthen the institutions created under the Convention.

Finally, in that regard, the delegation of Paraguay, now more than ever, encourages all States to consider the consequences of pressures placed on the seas and oceans that can seriously affect the lives of future generations.

**Mr. Arrocha Olabuenaga** (Mexico) (*spoke in Spanish*): At the outset, my delegation would like to thank Mr. Thembile Joyini of South Africa and Mr. Andreas Kravik of Norway for having facilitated the omnibus draft resolution A/71/L.26, on oceans and the law of the sea, and draft resolution A/71/L.24, on sustainable fisheries, respectively, and for their work during the intensive rounds of negotiations that were held. Similarly, we express our appreciation to the delegation of Nauru for its work on draft resolution A/71/L.27,

on establishing World Tuna Day.

I would like to take this opportunity to highlight in greater detail three aspects in connection with oceans and the law of the sea that are of particular relevance to my delegation. First, with respect to an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, Mexico notes with satisfaction the work carried out by the Preparatory Committee during the two meetings that were held in 2016 with a view to drafting a legally binding instrument. In that vein, we commend Ambassador Eden Charles of Trinidad and Tobago for his work.

We welcome the progress that has been made, particularly with regard to the guiding principles for that instrument, the necessity to subordinate the agreement to the United Nations Convention on the Law of the Sea (UNCLOS) and the need to respect the sovereignty of States over their continental shelf. We expect that our work will continue in a positive manner to develop a future agreement during the two meetings to be held in 2017.

Similarly, we underscore the work under way at the thirteenth Conference of the Parties to the Convention on Biological Diversity, now being held in Mexico, particularly in connection with that subject. We hope that, within the framework of the Conference, decisions will be taken to step up the protection of biological diversity in oceans and seas. We also support the idea that the new agreement on the areas beyond national jurisdiction should be circumscribed by UNCLOS, while providing sufficient and appropriate complementary elements to ensure the protection of the areas beyond national jurisdiction, specifically in matters relating to marine protection.

Secondly, concerning the pollution of oceans and seas caused by plastic and microplastics, Mexico welcomes the outcome of the seventeenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, held this past June. In that regard, we emphasize the need to continue working in that area so as to better understand the effects of such debris on marine ecosystems. My delegation is concerned about the lack of knowledge concerning the impact of marine debris on marine ecosystems and species and on human health. We call



for cooperation among States to confront the problem and to raise public awareness on the issue.

Finally, I will mention illegal trafficking at sea and the illegal trafficking in wildlife. Mexico notes with satisfaction the addition of references to combating illegal maritime trade, including wildlife, in various paragraphs of the omnibus draft resolution. This is one of the priority areas in the current law of the sea agenda.

We further wish to emphasize the usefulness of various international conventions in place to fight illegal trafficking in protected species. Their various provisions already constitute an effective means of taking action. Mexico is party to those conventions, and we hereby reiterate our commitment to fighting such illicit trafficking in maritime areas under our jurisdiction.

In conclusion, Mexico calls upon all States to cooperate and continue working to reduce instances of illicit trafficking within the framework of relevant international conventions.

**Mr. Zagaynov** (Russian Federation) (*spoke in Russian*): For our country, a major maritime Power, improving international cooperation in the global oceans is of special importance. We are grateful to the Secretary-General for the preparation of detailed and very informative reports on this issue.

We take note of the work carried out by the bodies created pursuant to the United Nations Convention on the Law of the Sea. We would like to congratulate the International Tribunal for the Law of the Sea on the twentieth anniversary of its founding and on the success of the events that have been held to celebrate that milestone. The Tribunal approached this anniversary with substantial successes.

Next year will mark the thirty-fifth anniversary of the establishment of the Commission on the Limits of the Continental Shelf. Its burden of work grows from year to year. We would like to draw the attention of the members of the Assembly to the necessity of ensuring appropriate conditions of service for the members of the Commission, including the long-standing problem of their medical insurance coverage while in New York. Important and technically complex tasks face the International Seabed Authority.

We are convinced that measures to conserve and sustainably use the global oceans' resources must be crafted on solid scientific foundations. That is why our

delegation has consistently championed the regular process of the Global Assessment of the State of the Marine Environment. The painstaking work of experts within the framework of the first assessment cycle enabled us to gather and organize a great deal of very useful information. We welcome the preparations for the second cycle of Global Assessment and expect it to be successful.

We note the rich discussion during the seventeenth session of the Informal Consultative Process on the issue of maritime debris, plastics and microplastics. We view this forum as an important platform for the exchange of views on a broad gamut of issues. It should continue to be held regularly. Special attention must be devoted to the issues of the conservation and sustainable use of marine biodiversity beyond national jurisdictions.

The Russian delegation actively participates in the work of the relevant Preparatory Committee established by the General Assembly. Unfortunately, the Committee's past two sessions have not thus far led to a convergence on positions on key issues, in particular the scope and purpose of the future agreement and the profit-sharing procedures from the use of marine biodiversity. Our priorities here were spelled out in detail during the work of the Committee. We would like to very briefly state the following.

On the whole, we believe that marine activity should not be restricted, unless based on solid scientific and international legal reasons. A possible new document on marine biodiversity should not, in our view, duplicate or substitute existing mechanisms, including the 1995 Agreement on Straddling Fish Stocks and the system of regional fisheries management organizations (RFMOs) created pursuant to it. The 1995 Agreement is of great importance for the conservation of fish stocks and for providing for a genuinely sustainable industry. We back further improvement of measures to combat illegal, unreported and unregulated fishing. It is with satisfaction that we note the activity of the International Maritime Organization in that field, inter alia, in the area of strengthening real links between flag States and its vessels. We urge States to cooperate to create new RFMOs and enhance the effectiveness of existing ones.

Our delegation backs the adoption by the General Assembly of draft resolutions A/71/L.26 and A/71/L.24, on oceans and the law of the sea and on sustainable fishing, respectively. We convey our gratitude to those that have worked for draft resolution A/71/L.27, on World

Tuna Day. We would like to thank the coordinators of the informal consultations and the staff of the Division of Ocean Affairs and the Law of the Sea, who have so unswervingly provided expert assistance to delegations in their work on the aforementioned documents.

In conclusion, we would like to very briefly respond to the statement made by the Ukrainian delegation, which has again misused the rostrum of the General Assembly. We again heard a number of unsubstantiated claims that bear no relation to the agenda item being considered. Nevertheless, since we are talking about it now, we will clarify and explain yet again that Crimea is now part of the Russian Federation as a result of the expression of free will of the population of the peninsula. Russia, as a coastal State, has its sovereignty and rights and exerts its jurisdiction over maritime areas in accordance with international law. In good faith, our country has fulfilled all its obligations under international maritime law when it comes to maritime areas, which its sovereignty and jurisdiction cover, including off the coast of Crimea.

**Mrs. Diéguez La O** (Cuba) (*spoke in Spanish*): Cuba attaches crucial 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 is a true milestone in the codification of the international law of the sea and has been ratified by the overwhelming majority of Member States. The Convention establishes an appropriate legal framework, which is universally recognized, within which all activities in the oceans and the seas should be carried out. It is important that the integrity of the United Nations Convention on the Law of the Sea be preserved and that all of its provisions be implemented as a whole. Oceans and the law of the sea affairs should fall under the supervision of the General Assembly to guarantee greater coherence in efforts to address those issues and to equally equal benefit all Member States.

Cuba has made and continues to make significant efforts to implement national strategies for the sustainable development and protection of the marine environment with a view to ensuring coherent, progressive and effective implementation of the Convention's provisions. The Cuban State has a solid institutional framework and national legislation related to the law of the sea, and the Government of Cuba is taking all steps it can to successfully address crimes at sea, for example, illicit trafficking in narcotics and

psychotropic substances, illegal human trafficking and piracy.

Cuba reiterates the importance of bolstering international cooperation in the management of marine resources and in the protection of the oceans and their biodiversity, in accordance with the principles of international law, and of safeguarding the due respect for the jurisdiction of sovereign States over their territorial sea and in the management of resources in the exclusive economic zone and on their continental shelf. We firmly support the commendable work of the Commission on the Limits of the Continental Shelf and urge all Member States to provide their support, so that the Commission can carry out its work with the necessary resources. The Commission must be able to carry out its work quickly and effectively, and, at the same time, fulfil its established legal requirements.

It is vitally important to preserve marine biodiversity resources for future generations. The regime by which those resources are exploited will have a direct impact on many developing countries, the majority of which are small island States. Cuba supports efforts to achieve a convention on marine biodiversity beyond the areas of national jurisdiction. We urge all members of the international community to work together in the meetings of the Preparatory Committee on that topic, so that we can achieve concrete results by the end of next year and so that we can have a binding international instrument on that important issue.

The continuing rise in sea levels and the increase in the effects of climate change in recent decades, given humankind's predatory actions towards nature, threaten the territorial integrity of many States, especially small island States, some of which are doomed to disappear if immediate measures are not taken. The interconnection of oceanic systems and their close relationship with the dramatic climate change affecting humankind oblige us to comply urgently with the established commitments in both areas. Cuba reiterates its commitment to protect the environment and the law of the sea.

We cannot conclude this statement without expressing our appreciation for the work carried out by the Division for Ocean Affairs and the Law of the Sea for its dedicated work in promoting the law of the sea and the issues related to oceans. We would also like to thank the two coordinators of draft resolutions A/71/L.24 and A/71/L.26, which we are considering

today and which will be adopted with the support of our delegation.

**Mr. Sobral Duarte** (Brazil): Brazil continues to attach great importance to the annual debates on oceans and the law of the sea. Those debates reflect our awareness that the problems of the ocean space are closely interrelated and need to be considered as a whole and with the broadest possible participation. They also attest to the historical significance of the United Nations Convention on the Law of the Sea as an important contribution to the maintenance of peace, justice and progress for all of the peoples of the world.

In that regard, we would like to express our thanks for the reports prepared by the Secretary-General (A/71/74 and A/71/74/Add.1) and the work carried out by Director Gabriele Goettsche-Wanli and the Division for Ocean Affairs and the Law of the Sea, which greatly help to inform and facilitate our debates. Let me also express appreciation for the spirit of cooperation that continues to prevail in the crafting of both of the draft resolutions before us on oceans and the law of the sea (A/71/L.26) and sustainable fisheries (A/71/L.24). In that regard, we would also like to thank Mr. Thembile Joyini of South Africa and Mr. Andreas Kravik of Norway for facilitating the informal consultations on those draft resolutions.

This year's draft resolution on sustainable fisheries contains provisions that address critical issues, such as combating illegal, unreported and unregulated fishing and ghost fishing and the importance of rebuilding stocks. We welcome the inclusion in the text of several of the recommendations made by the Review Conference on the Fish Stocks Agreement, which was chaired by Professor Fábio Hazin from Brazil.

Brazil is also a sponsor of the draft resolution on World Tuna Day (A/71/L.27), and we appreciate the efforts carried out by Nauru to facilitate the negotiations on that text. We reiterate the need for enhanced cooperation in ensuring the sustainable use of such fisheries and the importance of strengthening the work carried out by the Joint Meeting of Tuna Regional Fisheries Management Organizations, in particular through the updating of their legal frameworks and the adoption of management measures in line with scientific advice.

Cooperation is also instrumental in the Preparatory Committee process dealing with fisheries beyond the areas of national jurisdiction. The engagement of all

delegations in the debates held during the first and second meetings of the Preparatory Committee are key to advancing towards the drafting of substantial recommendations to the General Assembly. For Brazil, accessing and sharing benefits, capacity-building and the transfer of marine technology should be at the core of the envisaged instrument. Those elements are crucial to realizing one of the main purposes of the Convention, namely, that particular attention should be given to the special interests and needs of developing countries.

In our view, the fair and equitable sharing of the benefits that arise from the use of marine genetic resources beyond national jurisdiction must, therefore, be ensured. Due consideration must be given not only to the development of a mechanism for such sharing of benefits, but also to accessing those resources. Promoting and facilitating access, in the natural environment or through data samples, will contribute to creating sustainable and long-term benefits.

We continue to strongly support the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, which is key to enhancing the scientific understanding of the oceans so as to better protect the marine environment. We thank all of the experts who have devoted their time to the fulfilment of that important task. We also welcome the discussions held to improve the process in its second phase and stress the importance of ensuring proper funding to achieve the goals of the process.

The Commission on the Limits of the Continental Shelf continues to be faced with several challenges. In addition to a heavy workload, it now faces the challenge of ensuring the proper participation of members from developing countries in the context of the limited resources in the trust fund.

Last year marked a turning point with respect to the oceans, in view of the adoption of Goal 14 of the 2030 Agenda for Sustainable Development. Brazil reaffirms its commitment to the full implementation of the 2030 Agenda and looks forward to contributing to the success of the Fiji Conference to be held next year.

**The Acting President:** In accordance with resolution 51/6, of 24 October 1996, I call on the Secretary-General of the International Seabed Authority.

**Mr. Odunton** (International Seabed Authority): The International Seabed Authority is making its first

intervention at the seventy-first session of the United Nations General Assembly today. In that connection, I wish to express the Authority's warmest congratulations to His Excellency Mr. Peter Thomson on his election as President of this organ.

With reference to the draft resolutions on the oceans and the law of the sea matters before the General Assembly, I express my appreciation to Member States for deeming it appropriate once again to highlight in the content of those draft resolutions some of the important and latest work of the International Seabed Authority. I express my thanks and gratitude for the detailed reports of the Secretary-General (A/71/74 and A/71/74/Add.1), which once again provide comprehensive background information on oceans and law of the sea matters for our review. The efforts and hard work of the dedicated Director and staff of the Division for Ocean Affairs and the Law of the Sea are much appreciated, and their continued excellent cooperation with the secretariat of the International Seabed Authority must again be commended.

The draft resolution on oceans and the law of the sea (A/71/L.26) notes that 28 work plans for exploration for the three mineral resources presently identified by the Authority have been approved by the Council of the Authority. The Authority has signed three new exploration contracts so far this year. Two are for polymetallic nodules, signed with United Kingdom Seabed Resources Limited on 29 March and with the Cook Islands Investment Corporation on 15 July. The third plan of work is for polymetallic sulphides and was signed by the Government of India on 26 September.

It is anticipated that the signing of the two remaining approved plans of work — submitted by China MinMetals Corporation for polymetallic nodules and by the Government of the Republic of Korea for polymetallic sulphides — will be signed prior to the twenty-third session of the Authority in July 2017. Following the signing of those two contracts, the number of exploration contracts will reach 28, that is, 17 for polymetallic nodules, six for polymetallic sulphides and five for cobalt-rich ferromanganese crusts. On behalf of the Authority, I express my thanks and appreciation to those entities and their sponsoring States for their commitment to the concept of the common heritage of humankind and their confidence in the work of the Authority.

The Council, based on the recommendations of the Legal and Technical Commission, approved six applications for the extension of contracts for exploration for polymetallic nodules for another term of five years. The concerned contractors were Interoceanmetal Joint Organization, Yuzhmorgeologiya, the Government of the Republic of Korea, China Ocean Mineral Resources Research and Development Association, Deep Ocean Resources Development Co. Ltd. and the French Research Institute for the Exploitation of the Sea. An additional application for extension was received in September from the Government of India, which will be considered by the Commission at its next meeting, in February 2017. I would like to encourage contractors to take advantage of the extension period of the contracts to strengthen cooperation in the development of mining technology and pilot tests of deep-sea mining.

Marine environmental protection is an equally important mandate of the Authority, and we have continued to request all contractors to make their environmental data readily and publicly available. The Authority will shortly convene three workshops relating to that environmental work: a workshop to review the implementation of an environmental management plan for an area of the Pacific Ocean where we have the most nodule contracts, a scientific workshop together with marine-reserve management specialists to determine the suitability or need for amendment of the areas of particular environmental interest, and a workshop on impact reference zones and preservation reference zones.

I call for the broadest participation of all concerned States parties, observers and stakeholders in those workshops. References to and support for the Authority's role in the promotion of marine scientific research and the protection of the marine environment in the Area are commended.

Following the Authority's workshops on the taxonomic standardization of the macro, micro and meiofauna associated with polymetallic nodules in the Area, I am pleased to report that the contractors with the authority to explore for polymetallic nodules in the Area have begun to utilize those standards in reporting on the fauna in their exploration areas. To my mind, that is extremely important, since it enables the Authority to obtain the necessary information to protect the marine environment. Such taxonomic standardization workshops will be needed for polymetallic sulphides and cobalt-rich ferromanganese crusts as well.

At its last session, the Authority took decisive steps to adopt its budget, elect members of the Finance Committee and elect members of the Legal and Technical Commission and members of the Council. The Assembly also elected Mr. Michael Lodge of the United Kingdom as the next Secretary-General of the Authority. The Assembly also continued its work on the article 154 periodic review of the regime of the Area, an exercise to be completed during the twenty-third session, in 2017.

As part of the Authority's continued work on the formulation of the exploitation framework of minerals in the Area, I am happy to report that by the due date, a total of 45 submissions were received on the zero draft of the Exploitation Regulation. Among them, eight were submitted by Governments — seven members and one observer — 10 by contractors, one by an international organization and 19 by institutions and non-governmental organizations. I was concerned that no comments had been received from the African Group, the Eastern European Group or the Group of Latin American and Caribbean States. I would like to urge developing States to get more involved in the formulation of the exploitation code, which would lead to the implementation of the principle of the common heritage of mankind, which promises to bring substantial economic interests to developing States.

Echoing the words of the draft resolution, I wish to convey the Authority's appreciation to those who have made contributions to the Authority's Endowment Fund and its Voluntary Trust Fund. The Authority's Endowment Fund promotes and encourages the conduct of collaborative marine scientific research in the international seabed area for the benefit of humankind.

The General Assembly, as can be gathered from the text of the draft resolution, attaches great importance to capacity-building. Despite their not being specifically mentioned, I wish to refer the Assembly to the approximately 200 training opportunities that will arise in the next five years as a result of contracts for exploration that have been issued or extended by the Authority since 2011. These opportunities include at-sea training, doctorate and master's degree programmes, workshop internships, fellowships and engineering programmes. I have no doubt that those opportunities will enhance the building of the capacities of developing States in marine science and technology development and utilization, as well as in the law of the sea and the deep-sea mining regime. I urge Member States to

realize the value of those training opportunities and to nominate qualified candidates for those forthcoming training places.

In conclusion, the Authority has continued its full efforts, within its resources, towards the realization of the unique regime of the common heritage of humankind. Since this is the last time that I address this body in my capacity as Secretary-General of the International Seabed Authority, I wish to recall a few matters that require our attention. I wish to point out, *inter alia*, the need for pilot mining collector tests as our work progresses in establishing a regime for deep-seabed mining. Such tests will enable us to ascertain the feasibility of mining and, at the same time, provide us with the necessary data and information to determine the environmental impact of the collectors, which will be used by all contractors on the seabed and in the marine environment.

The last time such an effort was undertaken was in 1981 — it is now 2016 — and while the urgency of exploitation is frequently mentioned, we have yet to establish the feasibility of deep-seabed mining. At such a critical juncture, I will once again iterate that it is essential for all members of the Authority to attend meetings, in particular the annual regular sessions of the Authority.

As Secretary-General of the Authority, I have previously addressed the General Assembly on this agenda item seven times. This is my eighth time, and, as I mentioned before, it will be my last. I wish to express my thanks to each and every Member State and observer, contractors and the secretariat of the Authority for the support given to me during my term as leader of the organization. I have always been reassured by the support of the General Assembly, encouraged by its cooperation and blessed by its understanding. I wish the incoming Secretary-General all the very best. Finally, to the Government and the people of Jamaica, the host country for the Authority, I say “big up”.

I wish everyone here a merry Christmas and a happy new year. I also support the adoption of the draft resolutions on this agenda item.

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

**Mr. Golitsyn** (International Tribunal for the Law of the Sea): It is an honour for me to address the General Assembly on behalf of the International Tribunal for the Law of the Sea during the Assembly's consideration this year of agenda item 73, "Oceans and the law of the sea". Before I begin my statement, let me first convey to the President of the General Assembly my congratulations on his election and wish him every success in the discharge of his responsibilities.

In my statement, I will first address matters concerning the organization of the Tribunal and then refer to the Tribunal's recent judicial work.

First of all, I wish to pay tribute to Judge Antonio Cachapuz de Medeiros of Brazil, who passed away on 15 September 2016. Judge Cachapuz de Medeiros had become a Member of the Tribunal on 15 January and, had he not died, his term of office would have ended on 30 September 2017. I should like to inform the Assembly that the election to fill the seat that became vacant after the death of Judge Cachapuz de Medeiros will be held in June 2017, at the next triennial election of seven members of the Tribunal whose terms of office will expire on 30 September 2017. In this regard, a note verbale was sent by the Registrar of the Tribunal to all States parties to the Convention on the Law of the Sea on 4 November 2016. In the coming days, States parties will also receive a note verbale calling for nominations for the triennial election of judges of the Tribunal.

With regard to organizational matters, I also wish to inform the Assembly that on 9 March, the Tribunal re-elected Mr. Philippe Gautier as Registrar of the Tribunal for a term of office of five years.

As we are aware, 2016 is a very special year for the Tribunal because it commemorates the twentieth anniversary of its establishment. A number of events were organized to mark the occasion. We are particularly grateful that the Secretary-General, Mr. Ban Ki-moon, honoured the Tribunal by visiting our premises on 7 October 2016 and by meeting the members of the Tribunal and the staff of the Registry.

The Secretary-General was one of the speakers at a ceremony that took place on that day at the City Hall of Hamburg, Germany. On that occasion, statements were also made by the President of the Federal Republic of Germany, the First Mayor of the Free and Hanseatic City of Hamburg and myself. More than 500 guests attended the event, which was organized with the support of the Federal Republic of Germany and the

Free and Hanseatic Hamburg. To both, I wish to express our gratitude for their generosity.

The ceremony was preceded by a two-day international symposium dedicated to the contribution of the Tribunal to the rule of law. This symposium was attended by over 150 participants, among them judges of the Tribunal, the International Court of Justice and other judicial institutions, academics, lawyers and counsel who have appeared before international courts and tribunals. The symposium was made possible by the financial support of the Government of Japan, to which I would like to express my appreciation for its generous contribution.

Earlier this year, the Tribunal arranged another event in connection with its twentieth anniversary, namely, a round-table discussion on the role of the Tribunal in the settlement of law of the sea disputes. This event was held in New York on 23 June 2016, during the Meeting of States Parties to the United Nations Convention on the Law of the Sea, and was well attended. It was organized with the financial contribution of the Korea Maritime Institute (KMI), for whose generosity I also wish to express our gratitude.

Let me now turn to the judicial activity of the Tribunal in the past year.

A few days after 17 December 2015, date of my last statement before the General Assembly (see A/70/PV.69), a new case was submitted to the Tribunal: *Panama v. Italy*, also known as the *M/V "Norstar" case*. According to Panama's application, the dispute concerned the arrest and detention of the *M/V "Norstar"*, a Panamanian-flagged oil tanker. From 1994 to 1998, the vessel was engaged in supplying gasoline to mega-yachts in an area described by Panama as "international waters beyond the territorial sea of Italy, France and Spain" and described by Italy as "off the coasts of France, Italy and Spain". In 1998, in the context of criminal proceedings, the Public Prosecutor at the Court of Savona, Italy, issued a Decree of Seizure against the *M/V "Norstar"* and requested the assistance of the Spanish authorities for its execution. The vessel was then seized by Spanish authorities when it was anchored in the bay of Palma de Mallorca, Spain.

On 11 March 2016, Italy raised preliminary objections to the jurisdiction of the Tribunal and the admissibility of the application. Pursuant to the Rules of the Tribunal, proceedings on the merits of the case were suspended, submissions were filed and oral

proceedings took place on the preliminary objections raised by Italy. On 4 November 2016, the Tribunal delivered its judgment on the preliminary objections.

In support of its claim that the Tribunal had no jurisdiction, Italy invoked the “non-existence of a dispute concerning the interpretation or application of the Convention”, the “lack of jurisdiction *ratione personae*” and “the failure by Panama to fulfil its obligations regarding an exchange of views under article 283 of the Convention”. The Tribunal rejected each of those objections.

In addressing Italy’s objection based on the non-existence of a dispute, the Tribunal examined the communications sent to Italy concerning the detention of the *M/V “Norstar”*. It noted that Panama, as the flag State of the *M/V “Norstar”* contested the legality of the detention under the Convention. It also noted that, except for one response issued by Italy, all other communications from Panama remained unanswered. The Tribunal then took the view that a communication sent to Italy and the absence of a response from Italy indicate that there is a disagreement between the parties on points of law and fact, and concluded that a dispute existed between the parties at the time of the filing of the application. Examining the question as to whether the dispute concerned the interpretation or application of the Convention, the Tribunal found that among the articles of the Convention invoked by Panama in its application, article 87, on the freedom of the high seas, and article 300, on good faith and abuse of rights are relevant to the case.

With respect to Italy’s objection based on lack of jurisdiction *ratione personae*, the Tribunal found that the dispute before it concerns the rights and obligations of Italy and that therefore Italy is the proper respondent to the claim made by Panama in these proceedings. As regards Italy’s objection, based on the failure by Panama to fulfil its obligations regarding an exchange of views under article 283 of the Convention, the Tribunal found that Panama was justified in assuming that continuing to attempt to exchange views could not have yielded a positive result and that it had thus fulfilled its obligation under article 283 of the Convention.

The Tribunal then turned to Italy’s objections to the admissibility of Panama’s application. Those objections, also rejected by the Tribunal, were based on the nationality of claims, the non-exhaustion of local remedies, and on acquiescence, estoppel and extinctive

prescription. With respect to the objection based on the nationality of claims, the Tribunal, relying on its previous jurisprudence, found that the *M/V “Norstar”*, flying the flag of Panama, is to be considered a unit, so the vessel, its crew and cargo on board, its owner and every person involved or interested in its operations are to be treated as an single entity linked to the flag State, irrespective of their nationalities.

With respect to the objection of Italy based on the non-exhaustion of local remedies, the Tribunal noted that the right of Panama to enjoy freedom of navigation on the high seas is a right that belongs to Panama under article 87 of the Convention, and that a violation of that right would amount to a direct injury to that country. The Tribunal concluded that the claim for damage to the persons or entities with an interest in the ship and its cargo arises from the alleged injury to Panama and concluded, accordingly, that the claims in respect of such damages are not subject to the rule of exhaustion of local remedies.

Regarding acquiescence, the Tribunal held that at no stage has the conduct of Panama given scope to infer that it has abandoned its claim or acquiesced in the lapse of its claim. As to estoppel, the Tribunal considered that the main elements of estoppel have not been fulfilled in this case, and, with respect to extinctive prescription, it found that Panama has not failed to pursue its claim since the time when it first made it, so as to render the application inadmissible.

Having rejected all of Italy’s objections to the jurisdiction of the Tribunal and the admissibility of the application, the Tribunal, in its judgment, found that it had jurisdiction to adjudicate the dispute and decided that Panama’s application was admissible. The judgment of the Tribunal completes the preliminary objections stage of proceedings in the *M/V “Norstar”* case. Proceedings on the merits have resumed, and an order was issued by the President of the Tribunal on 29 November 2016 to fix the time limits for the filing of the memorial of Panama and the counter-memorial of Italy.

Let me briefly recall another case that is currently on the Tribunal’s docket, namely, *Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d’Ivoire in the Atlantic Ocean (Ghana/Côte d’Ivoire)*. This case is pending before a Special Chamber of the Tribunal formed to deal with this dispute. Oral proceedings in this case will be held in February 2017.

Those two cases, with their different subject matter, are a good illustration of the development that the Tribunal has seen over the years, specifically, that its case law has not only increased but has also diversified. In fact, the Tribunal has received a number of cases dealing with a wide range of matters under the Convention. The scope of those cases covers maritime delimitation, requests for the release of detained vessels, claims for damages arising out of the alleged unlawful arrest of vessels, issues concerning responsibilities and liabilities of States in respect of deep seabed mining as well as illegal, unreported and unregulated fishing.

Much progress has been achieved in this respect since the Tribunal's establishment in 1996. In particular, in recent years, cases have been brought before the Tribunal, enabling it to broaden and deepen its jurisprudence from the viewpoint of both substantial and procedural law. Therefore, the Tribunal has been able to further establish itself as a key player in the dispute-settlement system under the Convention and to consolidate its position as the central forum for the peaceful settlement of disputes in the field of the law of the sea.

I also wish to take this opportunity to briefly update the Assembly on the Tribunal's training activities, in particular, the internship programme and the Nippon fellowship programme. The Tribunal's internship programme is aimed at university students, and approximately 15 internships of a duration of three months are available each year. Since the establishment of the programme in 1997, 326 interns from 94 States have benefited from this opportunity.

I wish to highlight that the Tribunal's internship programme also offers scholarships to participants from developing countries in order to support them financially during their stay in Hamburg. For that purpose, the Tribunal has set up a trust fund. In the past, grants have been made to this fund by the Korea Maritime Institute and the China Institute of International Studies. In 2016, a further grant was made by KMI, and I wish to express our sincere appreciation for the Institute's valued support.

The Nippon fellowship programme is a capacity-building and training programme designed to provide junior to mid-level Government officials and researchers with advanced legal training in international dispute settlement in the law of the sea. In 2016, the participants came from Cameroon, Cambodia, the Democratic

Republic of the Congo, Portugal and Thailand. To sum up, since the establishment of the programme in 2007, 65 fellows from 54 countries have participated in this programme. I should like to express my gratitude to the Nippon Foundation for its generous funding of the programme.

I should also like to take this opportunity to reiterate the concluding part of the statement that I made at the ceremony marking the twentieth anniversary of the Tribunal:

“Building on the experience of the last 20 years, the Tribunal stands ready to meet the challenges of the future. We, the Judges of the Tribunal, are ready to serve the international community and the States parties to the Convention for the settlement of their disputes related to the implementation and application of the Convention”.

Let me also express my appreciation to the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs for its continued cooperation and support for the Tribunal. I wish the General Assembly every success in its important deliberations at the seventy-first session.

**The Acting President** (*spoke in French*): We have heard the last speaker in the debate on agenda item 73 and its sub-items (a) and (b).

Before proceeding further, I would like to remind members that action on draft resolution A/71/L.26 is postponed to a later date to allow time for the review of its programme budget implications by the Fifth Committee.

The Assembly will take action on the draft resolution as soon as the report of the Fifth Committee on its programme budget implications is available.

The Assembly will now take action on draft resolution A/71/L.24, entitled “Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments”.

I give the floor to the representative of the Secretariat.

**Ms. Ochalik** (Department for General Assembly and Conference Management): I should like to announce



that since the submission of the draft resolution and in addition to those delegations listed in the draft document, the following countries have become sponsors of A/71/L.24: the Bahamas, Canada, the Czech Republic, Greece, Indonesia, Jamaica, Latvia, Luxembourg, Maldives, Monaco, Nauru, Poland, Portugal, Spain, Sweden, Ukraine and the United States of America.

**The Acting President** (*spoke in French*): May I take it that it is the wish of the General Assembly to adopt draft resolution A/71/L.24?

*Draft resolution A/71/L.24 was adopted (resolution 71/123).*

**The Acting President** (*spoke in French*): The Assembly will now take action on draft resolution A/71/L.27, entitled “World Tuna Day”.

I give the floor to the representative of the Secretariat.

**Ms. Ochalik** (Department for General Assembly and Conference Management): I should like to announce that since the submission of the draft resolution and in addition to those delegations listed in the draft document, the following countries have become sponsors of A/71/L.27: Argentina, Bhutan, Bosnia and Herzegovina, Dominica, Ecuador, Greece, Guatemala, Kazakhstan, Madagascar, Mauritius, Mexico, Mongolia, Portugal, the Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Tajikistan and Viet Nam.

**The Acting President** (*spoke in French*): May I take it that it is the wish of the General Assembly to adopt draft resolution A/71/L.27?

*Draft resolution A/71/L.27 was adopted (resolution 71/124).*

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

**Mr. Medina Mejías** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): We take this opportunity to extend our sincere thanks to the representative of the Norwegian delegation, Mr. Andreas Motzfeldt Kravik, for having facilitated the negotiation process on the text of resolution 71/123, 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”.

We also thank the Director of the Division of Ocean Affairs and the Law of the Sea, Ms. Gabriele Goettsche-Wanli, and her team, and United Nations Legal Counsel Mr. Miguel de Serpa Soares for supporting the delegations through the Office of Legal Affairs.

The Bolivarian Republic of Venezuela reiterates its commitment to sustainable fishing, as evidenced by its implementation of the principles of the Code of Conduct for Responsible Fisheries, issued by the Food and Agriculture Organization of the United Nations, and chapter 17 of Agenda 21, approved by the United Nations Conference on Environment and Development in 1992. My country is also party to several international instruments that call for the preservation and management of fishing.

It has been Venezuela’s consistent position in various international forums that the United Nations Convention on the Law of the Sea (UNCLOS) should not be considered the only legal framework that governs all activities carried out in the seas and oceans, as there are other applicable international instruments — including the Geneva Conventions — that together with UNCLOS make up the body of law known as the law of the sea. In that regard, it has been our consistent and long-standing position to object to the possibility of the Convention being invoked as conventional law or customary international law unless the Bolivarian Republic of Venezuela expressly recognizes it as such, in future, through its incorporation into its national legislation.

The Venezuelan delegation has stated on numerous occasions that, in the view of the Venezuelan State, UNCLOS does not, despite its universal nature, enjoy universal participation. To date, UNCLOS has only 164 States parties, unlike many other multilateral instruments, such as the Convention on Biological Diversity, which currently has 193 States parties.

Venezuela is not party to the the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks,

nor are the norms of those international instruments applicable to Venezuela under customary international law, unless it has been explicitly otherwise indicated by Venezuela. They may be recognized in future through their incorporation into domestic legislation. The reasons that have prevented our ratification of those instruments, UNCLOS in particular, continue to be pertinent today.

Although our country is not party to the 1995 Agreement on Sustainable Fisheries, the fisheries and agriculture sectors are a priority in our national development plans. That is evident in our Programa de la Patria for 2013-2019. That national programme includes objectives such as promoting fisheries development by modernizing our fishing fleets and our maritime and river fisheries infrastructures. That national development plan is complemented by a broad set of regulations through which we have been able to set up programmes focusing on the conservation, protection and management of marine biological resources and on promoting responsible and sustainable management.

We have focused on relevant biological and economic aspects, as well as on food security and the relevant social, cultural, environmental and commercial issues. The Venezuelan law on fisheries prohibits bottom trawling and establishes a sanctions regime for the failure to respect conservation and management measures applicable to fisheries. It includes oversight measures for those vessels flying the national flag that engage in fisheries activities, as well as an inspection and monitoring system for operations on the high seas, which submits the relevant information to the body tasked with fisheries management. That allows us to know exactly in which geographical area a fisheries operation is being carried out and to ensure compliance with the regulations on the management of resources established in the law.

It is also important to highlight that Venezuela is making national contributions to designing a legally binding instrument on port State control that focuses on the prevention, deterrence and elimination of illegal, unreported and unregulated fishing. We made those contributions during technical consultations held in the framework of the Food and Agriculture Organization of the United Nations.

In the interest of consensus, my delegation did not stand in the way of the adoption of resolution 71/123, on sustainable fisheries. Nevertheless, Venezuela wishes to make explicit its reservations with regard to the

content of the resolution, given the fact that it is not a State party to UNCLOS nor to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

Although the text of the resolution contains some positive aspects, we would caution that the text also contains elements that caused Venezuela in the past to express reservations to the outcome document of the United Nations Conference on Sustainable Development in resolution 66/288. Those reservations were in relation to issues regarding marine biodiversity. In addition, our country, for the same reasons, expressed reservations to target 14C of the Sustainable Development Goals in the 2030 Agenda for Sustainable Development.

We believe that future updates to the terms of UNCLOS should be considered, given that there are new situations for which the current approach is inadequate and, in some cases, counterproductive, which therefore prevents the universal application of the Convention. That situation has been affecting the development of a regime that should be addressing the most important contemporary issues regarding the oceans and seas in a balanced, equitable and inclusive manner. The reasons that prevented the Bolivarian Republic of Venezuela from becoming party to such instruments in the past still persist today.

**Mr. Erciyes** (Turkey): Turkey joined the consensus on resolution 71/123, on sustainable fisheries, as 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. However, Turkey disassociates itself from the references made in the resolution to international instruments to which it is not party. Those references should therefore not be interpreted as a change in the legal position of Turkey with regards to those instruments.

**Mr. Cuéllar Torres** (Colombia) (*spoke in Spanish*): The Colombian delegation expresses its sincere thanks to Mr. Andreas Kravik of Norway for his tireless work as the coordinator of resolution 71/123, on sustainable fisheries, in conducting in-depth and transparent discussions in a constructive spirit that reflected the diversity of all the States that participated in the consultations.

Colombia recognizes the valuable contribution made by the resolutions on sustainable fisheries. The constructive spirit that guides Colombia, given the need to ensure sustainable fishing, is based on its firm conviction that all nations have a commitment to the protection of the sea and its resource in the interest of ensuring a sustainable future, for the world depends on it. Colombia attaches great institutional significance to marine-coastal matters and has a unifying vision in which the sea, the coast and its resources are fundamental elements of the country's governance.

Colombia reaffirms its commitment to the development and sustainable management of fishery resources in the interest of constructing not only a sustainable country but also sustainable fisheries on a global scale and ensuring access to fishing resources for future generations. It is in fulfilment of those commitments that Colombia supported the resolution with determination and joined the consensus for its adoption.

However, Colombia wishes respectfully to state that the resolution was formulated on the basis of the United Nations Convention on the Law of the Sea of December 10, 1982, and to remind the Assembly that Colombia has not ratified that legal instrument, and its provisions should therefore not apply to, and cannot be enforced in, Colombia, with the exception of those provisions that Colombia has expressly accepted.

The Republic of Colombia wishes therefore to state that the resolution, along with Colombia's participation in the process of its adoption, should not be considered or interpreted in a way that implies the express or tacit acceptance by the Colombian State of the provisions contained in the United Nations Convention on the Law of the Sea. Colombia does not consider the Convention to be the only standard framework for regulating activities in the oceans. My delegation would like to reiterate that Colombia carries out activities in the marine environment in strict compliance with the international commitments that it has expressly adopted or accepted. For those reasons, Colombia expresses its reservation regarding any mention of the Convention within the resolution, as we are not considered parties to the Convention nor are we bound by its contents. I request that this explanation of our position be included in the record of this meeting.

**Ms. Gandini** (Argentina) (*spoke in Spanish*): Argentina joined in the General Assembly's consensus in favour of resolution 71/123, on sustainable fisheries.

However, we wish to inform the Assembly once again that none of the recommendations included in the resolution can be interpreted to mean that the provisions of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and related instruments can be considered to be binding on States that have not clearly expressed their consent or commitment to that Agreement.

The resolution that we have just adopted contains paragraphs concerning the implementation of the recommendations of the Review Conference on the Agreement. Argentina reiterates that those recommendations must be not considered enforceable, but rather as mere recommendations to States non-parties to the Agreement. At the same time, Argentina wishes to note that current international law does not authorize regional management organizations and arrangements on fisheries or their member States to take any measure with respect to vessels whose flag State is not a member of such an organization or arrangement or that have not explicitly consented to the application of such measures to vessels flying the flags of non-members. Nothing in the resolutions of the General Assembly, including the one that we have just adopted, can be interpreted to be contrary to that conclusion.

Moreover, I recall once again that, in the implementation of conservation measures, the conduct of scientific research or the undertaking of any other activity recommended in resolutions of the General Assembly, particularly resolution 61/105 and other relevant resolutions, and the legal framework provided by the International Law of the Sea as reflected in the Convention, including in paragraph 13 of article 77, must be strictly respected. The implementation of the resolutions cannot, therefore, be used as a precondition or justification for ignoring or violating the rights established by the Convention. Nothing in resolution 61/105 or other related resolutions of the General Assembly prejudices the sovereign rights of coastal States over their continental shelf or the exercise of the jurisdiction of coastal States with respect to their continental shelf under international law.

Paragraph 176 of the resolution adopted today contains a pertinent reminder of that concept, which has already been reflected in resolution 64/72 and subsequent resolutions. In that same vein, paragraph 177 recognizes the adoption by coastal States, including

Argentina, of measures to recognize the impact of bottom fishing on vulnerable marine ecosystems on the entirety of their continental shelves. It also recognizes their efforts to ensure compliance with those measures. I would like to request that Argentina's explanation of its position be reflected in the record of this meeting.

**The Acting President** (*spoke in French*): May I take it that the Assembly wishes to conclude its consideration of sub-item (b) of agenda item 73?

*It was so decided.*

*The meeting rose at 5.05 p.m.*