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General Assembly

Seventy-third session

Official Records

50th plenary meeting
Tuesday, 11 December 2018, 3 p.m.
New York

President: Ms. Espinosa Garcés. . . . . (Ecuador)

In the absence of the President, Mr. Ten-Pow (Guyana), Vice-President, took the Chair.

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

Agenda item 78 (*continued*)

Oceans and the law of the sea

(a) Oceans and the law of the sea

Reports of the Secretary-General (A/73/68 and A/73/368)

Reports 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/73/74 and A/73/373)

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its nineteenth meeting (A/73/124)

Draft resolution (A/73/L.35)

(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/73/L.41)

Ms. Hamilton (Australia): I have the honour to deliver this statement on behalf of Australia.

We are pleased to associate ourselves with the statement delivered earlier by the representative of Nauru on behalf of members of the Pacific Islands Forum (see A/73/PV.49).

We thank the facilitators from Singapore and Norway for leading our consultations on this year's texts for the annual omnibus draft resolutions on oceans and the law of the sea (A/73/L.35) and sustainable fisheries (A/73/L.41). Australia is pleased to sponsor both, noting our particular interest, as a Pacific Islands Forum nation and a significant coastal State, in the protection and sustainable use of the ocean and its resources.

Australia is clear about its priorities internationally and within its own region, the Indo-Pacific. We encourage the protection and sustainable use of natural resources, including fisheries. We place strong emphasis on preserving the health of ocean and marine ecosystems, given the importance of oceans to regional and economic security and the livelihoods of our neighbours. We are committed to promoting freedom of trade and safeguarding freedom of navigation. We want the rights of all States to be respected. We strongly advocate for the peaceful resolution of disputes in accordance with international law. The United Nations Convention on the Law of the Sea (UNCLOS) sets out

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clear rules for all of those objectives. We welcome the General Assembly's continued affirmation that UNCLOS provides the legal framework within which all activities in the oceans and seas must be carried out. It is of fundamental strategic importance as the basis for national, regional and global action and cooperation on ocean matters.

Australia continues to strongly support efforts to develop an implementing agreement under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. That serves to strengthen the UNCLOS framework. We welcome the progress achieved to date and look forward to continued constructive sessions in 2019 of the intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

Australia is really pleased that this year's ocean omnibus draft resolution highlights the first-ever conciliation process under UNCLOS. That historic process has resolved a long-running boundary dispute between Australia and Timor-Leste. It provides an excellent example of how UNCLOS can reinforce stability and enable countries to resolve their differences through the rule of law. Following the conciliation, Australia and Timor-Leste signed a treaty on 6 March in New York establishing permanent maritime boundaries. The treaty delivers certainty for our two countries and provides for the joint development and management of our shared resources. It is an example of the rules-based international order in action. We encourage other States to make use of international dispute resolution processes when disagreements arise and to respect the outcome of such processes.

We also commend the General Assembly's close consideration of issues that are vital to the security and future of Pacific island States, particularly sea-level rise, which poses significant development, economic and environmental challenges for affected States and regions. It also raises important and urgent questions in international law. We are therefore very pleased that this year's ocean omnibus draft resolution references the decision by the International Law Commission to include the topic of sea-level rise in relation to international law in its programme of work. We, along with the Pacific Islands Forum, call on the General Assembly to remain focused and to take action on that important matter.

Mr. Dang Dinh Quy (Viet Nam): At the outset, we would like to thank the Secretary-General for his comprehensive reports (A/73/68 and A/73/368) under this agenda item. We would also like to thank Ms. Natalie Morris-Sharma of Singapore and Mr. Andreas Kravik of Norway for their tremendous efforts in coordinating the informal consultations on the draft resolutions on oceans and the law of the sea (A/73/L.35) and sustainable fisheries (A/73/L.41), respectively.

We express our deep appreciation to the General Assembly and its subsidiary organs for their efforts in the work on oceans and the law of the sea this year. We welcome the success of the nineteenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea and the twenty-eighth Meeting of the States Parties to the United Nations Convention on the Law of the Sea. We appreciate the role of the bodies established by the Convention, including the International Seabed Authority and the Commission on the Limits of the Continental Shelf in maintaining and consolidating good order and the rule of law at sea. We attach special significance to the fundamental role of the International Tribunal on the Law of the Sea and other dispute-settlement mechanisms in the interpretation and application of the United Nations Convention on the Law of the Sea (UNCLOS).

We welcome the open discussion and the progress that was made at the first session of the intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Seas on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. We share the view that biodiversity in areas beyond national jurisdiction should be considered the common heritage of humankind and that the benefits resulting from their use and exploitation should be equitably shared among States. We would like to emphasize the importance of capacity-building and the transfer of modern maritime technology for our shared goals of conserving and sustainably using maritime resources. Going forward, we support ensuring that the process of preparing an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national

jurisdiction makes the transition towards text-based negotiations as soon as possible.

Viet Nam was one of the first countries to sign and ratify UNCLOS and has always adhered to its provisions, respecting the legitimate rights and interests of other nations and actively participating in activities within the framework of the Convention. We emphasize its universal and unifying nature, which provides a comprehensive and sound legal framework for all activities carried out in the seas and oceans. UNCLOS has created a solid foundation for the maintenance of peace, stability and security and the promotion of sustainable economic development, including the conservation and sustainable use of maritime resources. We are of the view that all States should fully comply with UNCLOS in order to promote the peaceful and sustainable use of seas and oceans, including the peaceful settlement of disputes, thereby strengthening the rules-based order at sea. We welcome the successful completion of the first compulsory conciliation under annex V to the Convention, which resulted in a treaty between Australia and Timor-Leste establishing their maritime boundaries in the Timor Sea, and which encourages States to resort to peaceful means, including conciliation, to settle disputes.

As a country that is very vulnerable to climate change, sea-level rise and extreme weather events, and which also suffers from the adverse impact of maritime pollution and the depletion of marine resources, Viet Nam strongly supports the international community's efforts to promote the conservation and sustainable use of the oceans, seas and maritime resources. Our Government strongly supports the full implementation of the targets of Sustainable Development Goal 14, on the conservation and sustainable use of oceans, seas and maritime resources, and is fully commitmentitted to the fight against illegal, unreported and unregulated (IUU) fishing. Our current efforts to finalize internal procedures to become party to the United Nations Fish Stocks Agreement and the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations are a clear manifestation of that endeavour. At the same time, we hold that measures to fight IUU fishing should take into account the specific circumstances of countries where fisheries are mainly small-scale, in order to ensure a balance between the goal of the conservation and sustainable development of fisheries and the need to protect the social security and livelihoods of coastal populations.

As a coastal State of the East Sea, also known as the South China Sea, Viet Nam hosts critical sea lanes for global trade and transportation communication. Viet Nam is fully aware that the maintenance of peace and stability, maritime security and safety and freedom of navigation in the East Sea is a common concern and interest of the region and the world as a whole. In the context of the complex developments in the East Sea, we call on all the parties concerned to show self-restraint and refrain from unilateral acts that could further complicate or escalate the disputes, including the expansion and militarization of occupied features; to settle disputes by peaceful means, in accordance with international law, including the Charter of the United Nations and UNCLOS; and fully respect diplomatic and legal processes, implement the Declaration on the Conduct of Parties in the South China Sea in its entirety and expedite the conclusion of an effective and substantive code of conduct.

I would like to take this opportunity to once again affirm our full support and commitment to the objectives, purposes and universal principles enshrined in UNCLOS. We urge all countries to respect and fulfil their obligations to ensure peace, stability and the sustainable development of oceans and seas for the benefit of present and future generations.

Mr. Musikhin (Russian Federation) (*spoke in Russian*): Our country has always welcomed States' productive cooperation on issues relating to the world's oceans, which has been made possible thanks to the establishment of a robust legal foundation. Our delegation therefore supports the Assembly's draft resolutions on the law of the sea (A/73/L.35) and sustainable fisheries (A/73/L.41).

The annual omnibus resolution on oceans and the law of the sea stresses the universal and unified nature of the 1982 United Nations Convention on the Law of the Sea and affirms that the Convention establishes a legal framework for all activities in the world's oceans and has strategic significance as the basis for national, regional and global action and cooperation in the maritime sector. It is important to protect its integrity. We must ensure its inviolability as the foundation for the maritime legal regime established by the Convention.

My delegation is in favour of the effective application of the existing legal instruments that have

been adopted based on the United Nations Convention on the Law of the Sea, and we support the coordinated efforts of global, regional and sectoral bodies. We want to particularly point out the successful cooperation under the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and the network of regional fisheries management organizations created on the basis of that Agreement. The practical application of the 1995 Agreement has proved it to be a reliable instrument for regulating fisheries issues in areas beyond national jurisdiction that takes into account a balance of the interests of sustainable fisheries and the conservation of the marine environment. We urge States to work together to establish new regional fisheries management organizations and improve existing ones, and invite others to participate in them.

Special attention should be paid to issues relating to the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. The outcomes of the first session of the intergovernmental conference on this issue testified to the fact that there continue to be widely differing positions on the subject. We urge delegations to maintain a balanced and positive approach that will enable us to arrive at a strictly consensus solution.

The Convention bodies — the International Tribunal for the Law of the Sea, the Commission on the Limits of the Continental Shelf and the International Seabed Authority — continue to play a vital role, and we believe that it is important to provide them with adequate resources. We welcome the decision by States to give the members of the Commission the option of joining the main United Nations health insurance plan used at Headquarters.

I turn now to the statement by the delegation of Ukraine (see A/73/PV.49), which was once again all about propaganda for its position in our bilateral arbitrage suit. For our part, we do not plan to comment on ongoing legal or arbitrage proceedings in the General Assembly, a political body of the United Nations. It is clear that the Ukrainian delegation has a domestic agenda and is spreading lies and various sorts of legal, political and economic fairy tales in the Assembly. Let me explain how things stand in reality.

The Crimean bridge was designed so as not to prevent the passage of vessels. The maximum height above sea level allowed for vessels passing under it is 35 metres, which ensures that the vast majority of ships drawing less than eight metres can pass through. The two main ports on the Sea of Azov**,** Berdyansk and Mariupol**,** basically cannot accommodate ships with a draught larger than that. As a rule, border inspections take place when ships are at anchor while waiting their turn for pilotage and in most cases take no longer than three hours. They are not discriminatory. From 1 April to 31 October, our border control officers in Sea of Azov waters inspected 1,492 vessels, of which 31 sailed under the Ukrainian flag, 53 under the Russian flag and 1,408 under flags of third countries. As these numbers show, commercial traffic through the Strait is going full steam ahead and will continue to do so. Incidentally, the Sea of Azov border inspections had to be strengthened owing to the necessity of ensuring the security of citizens and strategic infrastructure in connection with constant threats from Ukrainian radicals, including officials. Previously attempted or prevented acts of sabotage or terrorism — including one in which power-line supports in the Kherson district were undermined in 2015 with the aim of cutting off electricity to Crimea, and one in which a cutter was detained on its way to sabotage the Crimean bridge's supports — testify to the appropriateness of such inspections.

With regard to the recent incident, on 25 November Ukrainian naval vessels were moving towards the Kerch Strait through Russian territorial waters in the Black Sea, seriously violating the rules of peaceful passage. The appropriate notifications had not been provided, and the ships failed to respond to radioed call signs or to obey requests from the Russian border guards' boat. It is notable that two Ukrainian naval vessels that passed through the Kerch Strait in September observed all of these formalities. It is therefore clear that the Ukrainian ships' disregard for those formalities on 25 November was a deliberate and manifest violation of laws and rules that the authorities in Kyiv are perfectly familiar with. Incidentally, at the time when the Ukrainian ships committed this provocative act there were 166 civilian vessels in the area of the Kerch Strait, meaning that their risky manoeuvres created a real threat to civilian safety.

The statistics and facts clearly underline that Russia ensures the full security of ships passing through the Kerch Strait, thereby enabling the future development

of commercial and other links with the ports of the Sea of Azov. As far as Crimea is concerned, as a sovereign coastal State Russia is exercising its sovereign rights and asserting its jurisdiction in the waters around Crimea, in accordance with international law.

Mr. Nyanid (Cameroon) (*spoke in French*): My delegation welcomes this opportunity to contribute to the debate on the issue of ocean management. As we know, the oceans play a key role in regulating the world's climate. They also play a role in maintaining social and economic balance, are a vital source of animal protein, contain vast quantities of precious metals and energy resources, provide direct employment for millions of people in fisheries and aquaculture and for even more through indirect employment in sea-related sectors. They are also of political and military strategic significance.

According to the data we have, the oceans alone represent an added value of $1.5 billion, or 2.5 per cent of global added value. All of those benefits and assets could be threatened if these spaces continue to be the victims of the harmful consequences of human activity. We should also point out that overfishing, illegal fishing, pollution, greenhouse-gas emissions and the development of coastal areas also pose a serious threat to the oceans' existence. It has also been established that elevated underwater sonar levels have a whole range of repercussions on marine life of all kinds, including mammals, fish and invertebrates, and can do physical damage, disrupt communication among animals and drive them from their preferred feeding grounds, which in turn can affect their reproduction and survival rates. While we generally know very little about the long-term consequences of anthropogenic underwater noise on marine flora and fauna, its long-term cumulative effects on biodiversity and its socioeconomic impact are matters of growing concern.

We were very pleased, however, to see both in resolution 72/73 of 5 December 2017 and in the conclusions of the nineteenth meeting of the Informal Consultative Process on Oceans and the Law of the Sea an acknowledgement of the importance of our oceans and the need to protect them and their biodiversity, which must be supported by effective measures to protect them. Raising awareness is an important element of such measures. In that regard, World Oceans Day, established at the 1992 United Nations Conference on Environment and Development and celebrated every year on 8 June, is an opportunity to create an understanding of how oceans fit into sustainable development and are help to balance our ecosystem. It is also urgent that we continue to conduct research into anthropogenic underwater noise in order to eliminate uncertainties about its genesis and its socioeconomic effects on coastal States and their populations, including in the area of food security, as well as to take its cumulative effects into account. And in order to ensure that no one is left behind, it is crucial to build capacity and transfer knowledge and technology with the aim of bridging gaps and lack of understanding in this area.

Beyond its symbolism, my country welcomes the protection afforded by the 1982 United Nations Convention on the Law of the Sea and other international instruments relevant to this issue, and we reiterate our call for strengthening the protection and conservation of the marine environment for future generations. In that regard, we welcomed the holding from 5 to 9 June 2017 of the United Nations Oceans Conference, aimed, among other things, at reversing the steep decline in ocean health and fostering progress in the implementation of Sustainable Development Goal 14 by 2030.

Cameroon also welcomes the holding of the first session of the intergovernmental conference to develop a legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. For my country, it is important to build on the gains of the first session, which lay the foundation for a new governance instrument for the high seas that meets twenty-first century threats to oceans.

The blue economy is of paramount importance to Africa. According to the International Energy Agency, by 2020 the annual economic value of energy-related maritime activities will have reached approximately $3 billion per year. Oceans can provide up to 400 per cent of the global demand for renewable energy. Out of 54 African States, 38 are coastal and more than 90 per cent of African imports and exports enter and exit by sea. Territorial waters under the jurisdiction of coastal States cover 13 million square kilometres, with a continental shelf of nearly 6.5 million square kilometres, including exclusive economic zones. In other words, the marine environment and ocean-related activities could allow Africa to occupy a prominent place in global geopolitics. The strategic dimension

of the blue economy is essential to African States and my delegation welcomes its inclusion in Agenda 2063 of the African Union and the subsequent drafting by the United Nations Economic Commission for Africa, in March 2016, of *Africa's Blue Economy: A policy handbook*.

For its part, Cameroon has undertaken to develop and supervise certain sea-related activities. It has established the Institute of Fisheries and Aquatic Sciences, which is an example of future sustainable development. With regard to the regulatory framework, my country adopted law 96/12 of 5 August 1996, which ensures the protection of Cameroon's waters by banning all marine debris or waste, and law 94/01 of 21 January 1994, on the Forest Code, which regulates forests, fauna and fisheries, to facilitate the implementation of policies under Agenda 21, on the sustainable use and conservation of marine living resources under national jurisdiction.

As they are essential to life and the survival of our planet, it is urgent now more than ever to protect better oceans and coastal areas by facilitating international cooperation, strengthening their legal protection code and supporting research in those areas.

The Acting President: I now call on His Excellency Mr. Jin-Hyun Paik, President of the International Tribunal for the Law of the Sea.

Mr. Jin-Hyun Paik (International Tribunal for the Law of the Sea): It is an honour for me to address the General Assembly this year on behalf of the International Tribunal for the Law of the Sea during the Assembly's consideration of the agenda item, "Oceans and the law of the sea".

Before advising the Assembly on the work of the Tribunal, it is with great regret that I must inform members of the passing of Judge and former President of the Tribunal, P. Chandrasekhara Rao, on 11 October. Judge Chandrasekhara Rao was a member of the Tribunal from 1996 to 2017 and its President from 1999 to 2002. Between 2000 and 2009, he served as the President of the Special Chamber constituted to deal with the case concerning the conservation and sustainable exploitation of swordfish stocks in the South-Eastern Pacific Ocean. On behalf of the Tribunal, I wish to pay tribute to Judge Chandrasekhara Rao for his contribution to the work of the Tribunal and the development of international law of the sea.

Permit me to turn now to the judicial work of the Tribunal. In September this year, the Tribunal held hearings on the merits in the *M/V "Norstar" Case (Panama v. Italy)*. I wish to recall that, in that case, proceedings were instituted on 17 December 2015 by an application filed by Panama against Italy in a dispute concerning the arrest and detention of the vessel *M/V "Norstar"*, an oil tanker flying the Panamanian flag. Preliminary objections were raised by Italy on 11 March 2016 and the Tribunal delivered its judgment on the preliminary objections on 4 November 2016.

In the period under review, the parties submitted their written pleadings in respect of the merits of the case and the Tribunal held hearings from 10 to 15 September. The Tribunal is now deliberating the case and plans to deliver its judgment in the spring of 2019. In that regard, allow me to mention that disputes arising from the arrest of vessels have already been brought before the Tribunal in cases on merits, mainly in connection with the claims for damages resulting from alleged illegal arrests and detention.

The Tribunal has awarded reparations in two such cases, namely, the *M/V "Saiga" Case* (S*aint Vincent and the Grenadines v. Guinea)* and the *M/V "Virginia G" Case* (*Panama v. Guinea-Bissau*). The current case — *M/V "Norstar"* — also raises issues related to the alleged unlawful arrest and detention of a vessel and claims for reparations. The Assembly will understand that, since it is *sub judice*, I cannot comment on the case at present. I should mention, however, that two other proceedings are available to States parties to the United Nations Convention on the Law of the Sea in cases where a vessel is arrested and detained. I wish to refer to prompt release proceedings under article 292 of the Convention, whereby the flag State of a vessel detained for fisheries offences in an exclusive economic zone or for pollution offences may seek the release of the vessel and its crew upon the posting of reasonable bond. A request for the release of the detained vessel, as a provisional measure under article 290 of the Convention, may also be an option when the urgency of the situation so requires. I wish to add that cases submitted to the Tribunal so far involve wide-ranging subjects encompassing, but not limited to maritime boundary delimitation disputes, law of fisheries, the exploitation of the area and the preservation and protection of the marine environment.

This year's draft resolution on oceans and the law of the sea

> "[e]ncourages States Parties to the Convention that have not yet done so to consider making a written declaration, choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention" (*A/73/L.35, para. 59*).

In that respect, I note that, so far, 52 States have made such written declarations and 40 have chosen the Tribunal as the means or one of the means for the settlement of disputes concerning the interpretation or application of the Convention. That said, I wish to recall that, even in the absence of declarations made under article 287 of the Convention, the Tribunal is competent to deal with any dispute submitted to it on the basis of an agreement between the parties concerned. The Tribunal is also competent to deal with urgent cases in two instances: first, proceedings for the prescription of provisional measures pending the constitution of an arbitral tribunal under article 290, paragraph 5, of the Convention; and secondly, application for the prompt release of vessels and crews under article 292 of the Convention.

For such urgent proceedings, the Tribunal renders its decision within a period of approximately one month. I should add that in the light of the experience gained by the Tribunal in handling urgent proceedings, there is no reason to doubt that it could deal with a case on the merits within a relatively short period of time, in particular if the parties were to indicate that they expected an expeditious solution to their dispute.

In that context, I may observe that the rules of the Tribunal contain provisions that may be used to shorten the time spent dealing with a case, if the circumstances so require. For example, under article 109 of the rules of the Tribunal, in proceedings before special chambers of the Tribunal formed pursuant to article 15 of the Statute, parties may, with the Chamber's consent, agree to dispense with oral proceedings. Likewise, pursuant to articles 117 to 121 of the rules of the Tribunal, oral proceedings are not required in some disputes brought before the Seabed Disputes Chamber. In advisory proceedings, if the request for an advisory opinion states that the question necessitates an urgent answer, the Seabed Disputes Chamber shall take all appropriate steps to accelerate the procedure. The Chamber or its President, if the Chamber is not sitting, shall decide whether or not oral proceedings shall be held.

Allow me to say a few words about the current negotiations in the intergovernmental conference on an international legally binding instrument under the United Nations Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. I wish to draw the attention of the States Members of the United Nations to the importance of incorporating a robust dispute settlement mechanism in the future instrument, as such a mechanism would ensure compliance with it. In that regard, consideration could be given to the possibility of incorporating Part 15 of the Convention, on dispute settlement, in the new instrument, following the example of other agreements that have been concluded to implement provisions of the Convention. It might also be useful to consider the possibility of requesting an advisory opinion from the Tribunal in the new instrument. In that connection, the Assembly may recall that the Tribunal's jurisdiction comprises all matters specifically provided for in any agreement that confers jurisdiction on the Tribunal.

With respect to organizational matters, I wish to inform the General Assembly that during the current year, the Tribunal has held two administrative sessions: the forty-fifth session, from 12 to 23 March, and the forty-sixth session, from 17 to 28 September. Those sessions were devoted to legal and judicial matters, as well as organizational and other administrative matters.

On 25 September, the Tribunal adopted a decision concerning its own procedure. It decided to amend article 60, paragraph 2, and article 61, paragraph 3, of its rules, relating to the adoption by the Tribunal of a decision authorizing a second round of written pleadings. Article 60, paragraph 2, refers to the procedure when a case is submitted to the Tribunal by way of an application, while article 61, paragraph 3, refers to the procedure to be followed when a case is submitted by way of a special agreement. Under the amended provisions, the President of the Tribunal may authorize a second round of written pleadings if the Tribunal is not sitting. Prior to the amendment, articles 60 and 61 stipulated that only the Tribunal should give authorization. The amendment was adopted in the interest of the expedient and cost-effective administration of justice.

An efficient system for the peaceful settlement of disputes requires that comprehensive information on the role of the Tribunal be provided to Government officials, who in their respective administrations are responsible for dealing with law of the sea matters.

Likewise, it is important to transmit information and knowledge to the younger generation in order to ensure that lawyers and officials, early in their career, are made aware of the tools available to States with a view to the peaceful settlement of international disputes. In that respect, I would like to draw the Assembly's attention to the capacity-building programmes on the peaceful settlement of disputes under the Convention offered by the Tribunal.

On 2 and 3 May, the Tribunal, in collaboration with the Government of the Republic of Cabo Verde, organized a regional workshop in Mindelo, Cabo Verde, on the topic of the role of the International Tribunal for the Law of the Sea in the settlement of disputes related to the law of the sea. The workshop was the thirteenth in a series held in different regions of the world to provide experts from various States with practical information on dispute settlement procedures before the Tribunal. Representatives from eight Western and Central African States attended the workshop, and the subregional fisheries commission also sent a representative. I take this opportunity to extend our sincere gratitude to Government of the Republic of Cabo Verde, the Korea Maritime Institute and the China Institute of International Studies for their invaluable support in the organization of that event.

A further aspect of the Tribunal's capacity-building activities is its internship programme, which annually gives 20 students from around the world the 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 International Cooperation Agency, the Korea Maritime Institute and the China Institute of International Studies — to provide financial support to applicants from developing countries.

Furthermore, a nine-month 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 governmental officials and researchers. Six fellows are participating in the current twelfth cycle of the programme. They are nationals of the following countries: Argentina, Benin, Comoros, Papua New Guinea, Singapore and Ukraine. I wish to take this opportunity to express my sincere gratitude to the Nippon Foundation for its commitment to the programme.

I would like to add that the twelfth summer academy on promoting ocean governance and the peaceful settlement of disputes, organized by the International Foundation for the Law of the Sea, was held at the premises of the Tribunal in Hamburg from 22 July to 17 August. A total of 39 participants from 30 countries attended lectures and workshops dealing with law of the sea and maritime law. I would like to express my deep gratitude to the aforementioned institutions for their support.

Before concluding, let me express my sincere appreciation to the Secretary-General, the Legal Counsel and the Director of the Division for Ocean Affairs and the Law of the Sea for the unfailing cooperation and support they have always offered the Tribunal.

The Acting President: I now call on His Excellency Mr. Michael Lodge, Secretary-General of the International Seabed Authority.

Mr. Lodge (International Seabed Authority): Let me begin by commending the General Assembly for the several references made to the International Seabed Authority and the regime for the Area throughout draft resolution A/73/L.35, which is before us. Allow me also to express my appreciation to the Legal Counsel of the United Nations and colleagues in the Division for Ocean Affairs and the Law of the Sea for their support during the past year. We enjoy a close and collaborative working relationship, and I have been delighted to welcome the participation of colleagues from the Division in four of the Authority's workshops this year. I am particularly grateful to the Assembly for having reaffirmed the centrality of the role played by the Authority, under the framework of the Convention. I wish to highlight four specific matters identified in the draft resolution.

First, I commend the General Assembly for welcoming the improvement in the level of attendance at the twenty-fourth session of the Assembly of the Authority this year. It is an encouraging sign of renewed commitment on the part of the members of the Authority and also a beneficial consequence of the revised schedule of meetings endorsed last year by the Assembly. I hope that this momentum can be sustained.

Secondly, linked to the improvement in attendance is the fact that a voluntary trust fund has been established to facilitate the participation of members of the Council of the Authority from developing States. I wish to thank all those who have contributed to that

fund and welcome the references in the draft resolution to the need for further sustained contributions.

Thirdly, I am pleased to see that the General Assembly, for the second year in a row, has recognized the Authority's fundamental role in collecting and sharing data and information on the deep seabed. I particularly welcome the references in the draft resolution to the value of cooperation between the Authority and other relevant organizations under the umbrella of the Seabed 2030 project. Being a main partner in that Project will allow us to make a significant contribution in the context of the United Nations Decade of Ocean Science for Sustainable Development. We are also pleased that ocean science and the United Nations Decade of Ocean Science will be the theme of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea in 2019. We look forward to making a substantial contribution to that process.

Fourthly, I appreciate the fact that the draft resolution expresses serious concerns about the number of States parties in arrears of their assessed contributions to the Authority. That is indeed a serious problem and I wish to urge all those in arrears, in particular those States whose exercise of voting rights will be suspended as a result, to fulfil their obligations without delay.

Since my last address to the General Assembly (see A/72/PV.64), much has been achieved by the members of the Authority. The Council has been making important progress on the elaboration of the Mining Code, including measures for the protection of the marine environment, as well as financial terms of contracts for mineral exploitation. Following the latest meeting of the Council in July, 42 written submissions have been received on the draft exploitation regulations. At its next session, in February 2019, the Council will consider the key policy issues arising from those submissions, with a view to providing clear direction to the Legal and Technical Commission as it works to finalize the draft.

The next meeting of the Council will also be preceded by a two-day open-ended informal working group, chaired by the President of the Council, to discuss the economic model for deep-seabed mining, which will form the basis for the financial terms of contracts. In that way, the Council is working hard to achieve the target it had set for itself to finalize the draft regulations by 2020 and to set the framework for the sustainable use of deep-seabed mineral resources for the long term. It is of the utmost importance that all States parties participate in that process, which represents a unique opportunity to get it right.

In getting it right, a particular focus for the Authority, which is welcomed in operative paragraph 69 of the draft resolution, is the development of regional environmental management plans in areas where exploration activities are taking place. I wish to express my sincere appreciation to the Governments of China and Poland for hosting important scientific workshops during 2018, which significantly advanced that work. I look forward to progressing this work further during 2019, including by strengthening the capacity of the secretariat in order to better support the work programme set by the Council.

The Authority's role in the environmental management of the Area is of particular relevance to the work of the intergovernmental conference on an international legally binding instrument. The Authority attaches great importance to the work of the conference and stands ready to support it and its President in its tasks. That was illustrated by the fact that the Authority made five statements during the first substantive session of the conference in September and organized three side events. At the conference, we had the opportunity to comment on the relationship between the United Nations Convention on the Law of the Sea and the mandate of the intergovernmental conference. We pointed out that the Convention requires the marine environment in its entirety to be protected, not just parts of it. We must be careful, therefore, that the results of our discussions do not further fragment the law of the sea or conflict with the comprehensive and holistic approach reflected in the Convention.

In relation to the Area and its resources, it is important to fully respect the rights of States that are to be exercised only in accordance with Part XI of the Convention, the 1994 Agreement relating to Part XI of the Convention and the Authority's rules, regulations and procedures. Additional measures that duplicate, overlap or conflict with the measures taken pursuant to Part XI and the 1994 Agreement run the risk of undermining the careful balance of competencies established in the Convention.

Although not referred to in the draft resolution, significant efforts have been invested by the Authority in contributing to the delivery of the 2030 Agenda for Sustainable Development, in particular Sustainable

Development Goal 14, and the development of the blue economy. That includes our engagement through the community of ocean action on the implementation of international law, as reflected in the Convention, which I have the honour to co-facilitate with the Legal Counsel of the United Nations. It also includes the many different activities being undertaken to implement our seven voluntary commitments, in partnership with member States, international organizations and other stakeholders. Here, I wish to reiterate my sincere congratulations to the Government of Kenya, as well as the Governments of Canada and Japan, on the successful organization of the Sustainable Blue Economy Conference in Nairobi last month. The Conference served to underline that the best way to realize the benefits of the blue economy, while conserving our oceans for future generations, is through the legal regime set out in the Convention.

Finally, I wish to take this opportunity to remind the Assembly that 2019 will mark the twenty-fifth anniversary of the entry into force of the Convention and the establishment of the Authority. Throughout next year, the Authority will organize a series of special commemorative events, and I look forward to the full and active participation of all States parties in those events, many of which will be held in Kingston, Jamaica, our seat and host country, as well as to the presence of our sister organizations.

The Acting President: We have heard the last speaker in the debate on agenda item 78 and its sub-items (a) and (b).

The Assembly will now take a decision on draft resolutions A/73/L.35 and A/73/L.41. We turn first to draft resolution A/73/L.35, entitled "Oceans and the law of the sea".

I give the floor to the representative of the Secretariat to make an oral statement.

Mr. Nakano (Department for General Assembly and Conference Management): This oral statement is made in accordance with rule 153 of the rules of procedure of the General Assembly.

Under the terms of paragraphs 54 and 55 of draft resolution A/73/L.35, the General Assembly would note that the twenty-eighth Meeting of States Parties, convened by the Secretary-General pursuant to resolution 72/73, is to be resumed on 15 January 2019; request the Secretary-General to provide full conference services, including documentation as required; and request the Secretary-General to convene the twenty-ninth Meeting of States Parties to the Convention from 17 to 19 June 2019, with full conference services, including documentation as required.

It is anticipated that the request contained in paragraphs 54 and 55 for documentation related to the conference services for the Meeting of States Parties would constitute an addition to the documentation workload of the Department for General Assembly and Conference Management for three pre-session documents, totalling 2,200 words and one post-session document with 3,500 words, in six languages, in 2019. However, resource requirements for documentation services in the amount of $19,500 in 2019 would be met from within existing resources. Accordingly, should the General Assembly adopt draft resolution A/73/L.35, no additional requirements would arise under the programme budget for the biennium 2018-2019.

The Acting President: I now give the floor to the representative of the Secretariat to announce additional sponsors.

Mr. Nakano (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/73/L.35, the following countries have become sponsors of the draft resolution: Albania, the Bahamas, Barbados, Bulgaria, Canada, Denmark, Greece, Guinea, Latvia, Morocco, the Philippines, Saint Lucia, Senegal, Sri Lanka, the former Yugoslav Republic of Macedonia, the United States of America and Viet Nam.

The Acting President: A recorded vote has been requested.

A recorded vote was taken.

In favour:

Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland,

Israel, Italy, Jamaica, Japan, Kazakhstan, Kiribati, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, New Zealand, Nicaragua, Nigeria, Norway, Oman, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Viet Nam

Against:
Turkey

Abstaining:
Colombia, El Salvador, Venezuela (Bolivarian Republic of)

Draft resolution A/73/L.35 was adopted by 121 votes to 1, with 3 abstentions (resolution 73/124).

[Subsequently, the delegations of Liechtenstein and Tunisia informed the Secretariat that they had intended to vote in favour.]

The Acting President: We shall now turn to draft resolution A/73/L.41, 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 to make an oral statement.

Mr. Nakano (Department for General Assembly and Conference Management): This oral statement is made in accordance with rule 153 of the rules of procedure of the General Assembly.

Under the terms of paragraphs 203, 204 and 205 of draft resolution A/73/L.41, the General Assembly would recall the decision to conduct in 2020 a further review of the actions taken by States and regional fisheries management organizations and arrangements in response to paragraphs 113, 117 and 119 to 124 of resolution 64/72; paragraphs 121, 126, 129, 130 and 132 to 134 of resolution 66/68; and paragraphs 156, 171, 175, 177 to 188 and 219 of resolution 71/123, with a view to ensuring effective implementation of the measures therein to making further recommendations where necessary, and decide to precede that review with a two-day workshop.

The Assembly would request the Secretary-General to convene, with full conference services, without prejudice to future arrangements a two-day workshop in 2020 in order to discuss implementation of paragraphs 113, 117 and 119 to 124 of resolution 64/72; paragraphs 121, 126, 129, 130 and 132 to 134 of resolution 66/68; and paragraphs 156, 171, 175, 177 to 188 and 219 of resolution 71/123, and to invite States, the Food and Agriculture Organization of the United Nations and other relevant specialized agencies, funds and programmes, subregional and regional fisheries management organizations and arrangements, other fisheries bodies, other relevant intergovernmental bodies and relevant non-governmental organizations and relevant stakeholders, in accordance with United Nations practice, to attend the workshop.

The Assembly would also request the Secretary-General to prepare a report similar in scope, length and detail to his report to the General Assembly at its seventy-fourth session, in cooperation with the Food and Agriculture Organization of the United Nations and with the assistance of an expert consultant to be hired by the Division to provide information and analysis on relevant technical and scientific issues to be covered in the report, for consideration by the Assembly at its seventy-fifth session, on the action taken by State and regional fisheries management organizations and arrangements in response to paragraphs 113, 117 and 119 to 124 of resolution 64/72; paragraphs 121, 126, 129, 130 and 132 to 134 of resolution 66/68; and paragraphs 156, 171, 175, 177 to 188 and 219 of resolution 71/123, and invite States and regional fisheries management organizations and arrangements to consider making such information publicly available.

Turning to the request contained in paragraphs 203 and 204 of the draft resolution, it is envisaged that meeting services would be required for a two-day workshop in 2020, consisting of four meetings — one in

the morning and one in the afternoon each day — with interpretation in all six languages, and also requiring a webcast of the meetings. The meetings would constitute an addition to the workload of the Department for General Assembly and Conference Management, which would entail additional requirements in 2020 in the amount of $23,800. The Office of Legal Affairs would require an additional amount of $900 for the provision of webcast services for 2020.

The request for documentation contained in paragraph 205 of the draft resolution would constitute an addition to the documentation workload of the Department for General Assembly and Conference Management of one pre-session document of 17,000 words in all six languages in 2020 and one post-session document of 4,500 words in all six languages in 2020. Those would entail total additional requirements in the amount of $65,400 for documentation services in 2020.

The request for documentation contained in paragraph 205 of the draft resolution would also entail the hiring of additional consultancy services for the Office of Legal Affairs in 2020. That would entail additional requirements in the amount of $15,000 for consultancy services in 2020 under the Office of legal Affairs.

Accordingly, the adoption of draft resolution A/73/L.41 would not give rise to any budgetary implications under the programme budget for the biennium 2018 to 2019. The adoption of the draft resolution would result in additional resource requirements in the amount of $89,200 under section 2, “General Assembly and Economic and Social Council Affairs and Conference Management”, and $15,900 under section 6, “Legal Affairs”, to be included in the proposed programme budget for 2020.

The Acting President: I now give the floor to the representative of the Secretariat to announce additional sponsors.

Mr. Nakano (Department for General Assembly and Conference Management): I should like to announce that since the submission of draft resolution A/73/L.41, and in addition to those delegations listed in the document, the following countries have also become sponsors: Albania, the Bahamas, Belgium, Belize, Bulgaria, Croatia, Denmark, Fiji, Finland, Greece, Guinea, Indonesia, Jamaica, Kiribati, Latvia, Maldives, Montenegro, Palau, Panama, the Philippines, Saint Lucia, Samoa, Spain, Sri Lanka, Sweden, Thailand, the Former Yugoslav Republic of Macedonia and Ukraine.

The Acting President: May I take it that the Assembly decides to adopt draft resolution A/73/L.41?

Draft resolution A/73/L.41 was adopted (resolution 73/125).

The Acting President: Before giving the floor for explanations of vote after the vote, I remind delegations that explanations of vote about are limited to 10 minutes and should be made by delegations from their seats.

Mr. García Moritán (Argentina) (*spoke in Spanish*): Argentina joined the consensus on resolution 73/125, on sustainable fisheries. We wish to once again stress that no recommendations in the resolution can be interpreted as signifying that the provisions contained in 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 obligatory by those States that have yet to explicitly express their agreement.

The resolution that we have just adopted contains paragraphs related to the implementation of the recommendations of the Review Conference on the Agreement. Argentina reiterates that those recommendations cannot be considered to be enforceable, even as recommendations for States that are not parties to the Agreement. Argentina also cautions that existing international law does not empower regional fisheries management organizations or their member States to adopt measures of any kind against vessels whose flag States are not members of those organizations or party to those arrangements, or have not explicitly consented to such measures being applicable to vessels flying their flags. Nothing in the General Assembly’s resolutions, including those we just adopted, can be interpreted as running contrary to that conclusion.

Furthermore, I should like to recall once again that the implementation of conservation measures, scientific research or any other activity recommended in General Assembly resolutions — in particular resolution 61/105 and its subsequent resolutions — has the current international law of the sea as an unquestionable legal framework, as reflected in the United Nations Convention on the Law of the Sea, including paragraph

3 of article 77, which must be strictly adhered to. Compliance with those resolutions cannot used as a false justification for ignoring or denying the rights established in the Convention. There is nothing in the General Assembly's resolutions that would allow the sovereign rights of coastal States over their continental shelves or the exercise of jurisdiction over their continental shelves under international law to be abridged.

Paragraph 189 of the resolution we have just adopted contains a very relevant reminder of that concept, which is reflected in resolution 64/72 and its subsequent resolutions. In that context, and as in previous sessions, paragraph 190 recognizes the adoption by coastal States, including Argentina, of measures regarding the impacts of bottom fishing on vulnerable marine ecosystems across the entirety of their continental shelf, as well as their efforts to ensure that they are enforced.

Mr. Escalante Hasbún (El Salvador) (*spoke in Spanish*): I thank you, Sir, for allowing me to take the floor in explanation of vote following the adoption of resolution 73/124, on oceans and the law of the sea, and thank Singapore for its work as facilitator.

The Republic of El Salvador is aware of the importance of the oceans, particularly of their sustainable use within the framework of the 2030 Agenda for Sustainable Development, which is essential to ensuring food security for all in an orderly fashion. My country also understands that gaps continue to exist in such areas as sustainable fishing, transport, conservation and the sustainable use of marine biodiversity, among other issues, in which we have seen great strides of exceptional importance for the international community, but in which much remains to be done.

As El Salvador is not a State party to the United Nations Convention on the Law of the Sea (UNCLOS), we believe that the relevant provisions, agreements and resolutions agreed among States parties or that emanate from the General Assembly should take the norms of general international law into account. In that regard, such provisions, agreements or resolutions do not create obligations for non-State parties without their consent. Over the years, El Salvador has made repeated appeals to the General Assembly to make the contents of this annual resolution comprehensive and inclusive of every Member State's views, and to avoid making it an exercise in negotiations that would be more appropriate within the framework of the Meetings of States Parties to the United Nations Convention on the Law of the Sea. Such a limited vision of the subject prevented my delegation from supporting resolution 73/124.

Nevertheless, as El Salvador is aware of the importance of holding multifaceted discussions on the oceans within a variety of frameworks, including that of the Sustainable Development Goals, and as testament to my country's resolve to work once again towards fostering a universal vision to address the issue, El Salvador decided to abstain in the voting. Our abstention also reflects the recognition of the inclusion of elements relative to marine ecosystems and environmental conservation within the text, as well as El Salvador's advocacy for a legally binding instrument on the conservation and sustainable use of biodiversity in areas beyond national jurisdiction, in accordance with the provisions of resolution 72/249, in particular paragraphs 8 and 10.

El Salvador calls on all States to pursue their work on issues related to the use, conservation and protection of the oceans and seas with the goal of ensuring the quality of life for future generations, with the cooperation of all countries, be it in bilateral, regional or universal formats. That would allow us to strengthen international peace and security and friendly relations among all nations, in accordance with the principles of justice and equal rights and the purposes and principles of the Charter of the United Nations.

Mr. Yakut (Turkey): Turkey requested a recorded vote and voted against resolution 73/124, entitled "Oceans and the law of the sea", under sub-item (a) of agenda item 78.

Turkey agrees with the general content of the resolution in principle and believes that it is particularly important, as it recognizes the important contribution of sustainable development and the management of the resources and uses of the oceans and seas for the achievement of the international development goals contained in the 2030 Agenda for Sustainable Development. We therefore appreciate the efforts of the coordinator, the Division for Ocean Affairs and the Law of the Sea and Member States to finalize the resolution.

However, owing to the nature of references made to the United Nations Convention on the Law of the Sea (UNCLOS) in the resolution, Turkey felt obliged to call for a recorded vote on the resolution. Turkey is not

party to UNCLOS and is of the opinion that UNCLOS is not universal and does not have a unified character. We also believe that it is not the only legal framework that regulates all activities in the oceans and seas. We welcome efforts to reach a consensus on this important resolution and expect all parties to be more constructive and flexible in order to take all non-parties on board in future negotiations. Turkey, for its part, is ready to engage constructively with all parties to achieve consensus. Until then, the UNCLOS language in the resolution should not set a precedent for other United Nations resolutions.

Having said that, we would also like to recall that the reasons that have prevented Turkey from becoming party to UNCLOS remain valid. Turkey supports international efforts to establish a regime of the seas 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 particular geographical situations and, as a consequence, does not take into consideration conflicting interests and sensitivities resulting from special circumstances. Furthermore, the Convention does not allow States to register reservations to its articles. Therefore, although we agree with the Convention in its general intent and with most of its provisions, we are unable to become party to it owing to those prominent shortcomings.

Turkey joined the consensus on resolution 73/125, 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, as it is not party to UNCLOS, Turkey disassociates itself from the references made in that resolution to the Convention. Those references should therefore not be interpreted as a change in the legal position of Turkey with regard to UNCLOS.

Ms. Fernándes Júarez (Bolivarian Republic of Venezuela) (*spoke in Spanish*): We express our appreciation to Singapore and Norway for having facilitated the negotiations on the texts of resolutions 73/124 and 73/125, respectively. We also thank the Director of the Division of Ocean Affairs and the Law of the Sea and her team for their support for the delegations.

The Bolivarian Republic of Venezuela is not a signatory to the 1982 United Nations Convention on the Law of the Sea (UNCLOS) or 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, as their norms are not applicable to my country either under customary law or international custom, except for those that the Venezuelan State has expressly recognized or will recognize in the future by incorporating them into its domestic legislation. The reasons that have prevented the Bolivarian Republic of Venezuela from becoming party to those instruments remain unchanged.

The Venezuelan State believes that UNCLOS does not enjoy universal participation, unlike many other multilateral instruments. Similarly, we have reiterated our position within various international forums that the Convention must not be considered the only legal framework governing all activities carried out in the oceans and seas, given the fact that there are other international instruments in this sphere that, together with the Convention, make up the body of law known as the law of the sea. Those include the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone, the Convention on the High Seas, the Convention on the Continental Shelf and the Convention on Fishing and Conservation of Living Resources of the High Seas, all of which have been ratified by Venezuela.

UNCLOS codifies certain norms of customary international law that have been incorporated into the Venezuelan domestic legal system either through the ratification of the Geneva Conventions of 1958 or through domestic legislation. The agenda item “Oceans and the law of the sea” is a priority in the policies of Venezuela, which has complied with its international obligations under the law of the sea, while advocating for its integral development from a standpoint of equity and stressing the fact that all negotiations related to that right must reflect criteria and principles linked to the right to sustainable development of the marine environment and its resources for future generations. Our country has also cooperated with efforts aimed at promoting coordination on issues related to the oceans and the law of the sea, in accordance with international law, and has participated constructively in all relevant consultations on the subject.

With regard to resolution 73/124, entitled “Oceans and the law of the sea”, we believe that it has positive aspects. We would caution, however, that it contains elements that led Venezuela to express reservations

about the outcome document of the 2012 United Nations Conference on Sustainable Development (resolution 66/288, annex) and about target 14.c under Sustainable Development Goal 14 of the 2030 Agenda for Sustainable Development. We believe that future updates of the terms of the Convention should be considered, given the fact that there are new situations for which the current approach is inadequate and which has affected the development of a regime that should address the most important contemporary issues related to the oceans and seas in a balanced, equitable and inclusive manner.

Although our country is not party to the 1995 sustainable fisheries agreement, the fisheries and aquaculture sector is a priority in our national development plans, which include the goals of promoting fisheries development through the modernization of our fleets and maritime and river fisheries infrastructure. Venezuela reiterates its commitment to sustainable fisheries through the application of the principles of the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations and Chapter 17 of Agenda 21, approved by the United Nations Conference on the Environment and Development of 1992. Accordingly, our country is party to a number of various international instruments that advocate for the preservation and organization of fisheries.

Similarly, our national development plan is complemented by a broad set of regulations allowing us to rely on programmes aimed at achieving the conservation, protection and management of marine biological resources, while promoting their responsible and sustainable use, including, inter alia, the relevant biological, economic, food security, social, cultural, environmental and commercial aspects. Venezuelan law on fisheries prohibits bottom trawling and establishes a sanctions regime for the failure to respect conservation and management measures.

For the sake of consensus, our delegation joined in the adoption of resolution 73/125. However, Venezuela expresses reservations with regard to its content, as it is not a State party to the United Nations Convention on the Law of the Sea or 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 Migratory Fish Stocks. For the same reasons, the Bolivarian Republic of Venezuela abstained in the voting on resolution 73/124, concerning which it also expresses its reservations.

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

Two delegations have asked to speak in exercise of the right of reply. May I remind Member States that statements in the exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second intervention, and should be made by delegations from their seats.

Mr. Yaremenko (Ukraine): I would like to exercise my right of reply in connection with the statement delivered earlier by the delegation of the Russian Federation. I thought that, at the very beginning, I would proceed bullet point by bullet point in explaining the untruth that was shared by that delegation here in this Hall. But I think that I will try to save our time and recall that, unfortunately, we have to acknowledge that the delegation of the Russian Federation has chosen the path of spreading falsehoods and untruths within the United Nations.

We have seen many times how the Russian Federation manipulates facts and attacks through the use of social networks and, in some cases, cyberattacks. We remind the Assembly of the case of Malaysian Airlines flight MH-17, which was downed by a Russian anti-aircraft missile in Ukraine in 2014, For many years, we have seen the Russian position evolve vis-à-vis that issue. We have also recently seen the situation that developed in the Skripal case. All those cases are very telling.

It would be perfectly reasonable to ask me why I am recalling all of this right now, because it is not really connected to the issue of maritime law, which we have been discussing today. Unfortunately, I am doing so because as a result of all the actions I have mentioned, the words and the statement of the Russian delegation are worthless and mean nothing. That undermines international law, and I want to emphasize that that is why any agreement signed by the Russian delegation is worthless. Needless to say, I urge all delegations to consider that fact, because right now Ukraine is under attack by the Russian Federation. But while we are suffering at that country's hands today, none of us knows who might be suffering at its hands tomorrow. So I would once again like to state that Ukraine is acting in full respect for international law, using only peaceful means. Our case in the International Tribunal

for the Law of the Sea is an example of how we use international law to resolve bilateral issues.

Mr. Musikhin (Russian Federation) (*spoke in Russian*): To be honest, we were startled by the statement made by the representative of Ukraine. He said almost nothing about the agenda item we discussed today and clearly simply had nothing to say. I will therefore outline and sum up what the Russian representative said, and I hope the Ukrainian representative will understand it.

In international and domestic bodies of water regulated under international maritime law, and in bodies of water regulated through bilateral agreements, specific legal rules exist for passage through straits, and the Kerch Strait is no exception. If Ukraine abides by those laws and rules on the safe passage of vessels and by the regulations on maritime traffic, its naval ships and other commercial vessels can pass through freely. If it does not abide by the laws and rules regarding vessels' safe passage and by the regulations on maritime traffic, its ships will be detained and those responsible brought to justice. That is their choice. There are no other options. That is basically what we wanted to say.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (b) of agenda item 78?

It was so decided.

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

Programme of work

The Acting President: Before concluding, I would like to make the following announcements concerning the work of the plenary. The consideration of agenda item 41, "The situation in the occupied territories of Azerbaijan", originally scheduled to be taken up on 17 December, will be postponed until further notice.

Also, the draft resolution entitled "Effects of atomic radiation", recommended by the Special Political and Decolonization Committee, the Fourth Committee, in its report contained in document A/73/521, and adopted at the forty-eighth plenary meeting on 7 December 2018, had programme budget implications, contained in document A/C.4/73/L.13, as mentioned in paragraph six of that report. Pursuant to rule 153 of the Assembly's rules of procedure, no draft resolution for which expenditures are anticipated by the Secretary-General shall be voted on by the General Assembly until the administrative and budgetary committee, the Fifth Committee, has had an opportunity to state the effect of the proposal on the budget estimates of the United Nations. The President of the General Assembly therefore intends to reopen agenda item 52, "Effects of atomic radiation", in order to again put the draft resolution to the consideration of the Assembly, including through a recorded vote on its operative paragraph 21 (e), when the report of the Fifth Committee is available. No resolution number will be assigned to the draft resolution until then. For that reason, the summary of the forty-eighth plenary meeting in the *Journal of the United Nations* does not include a reference to agenda item 52 or the report of the Special Political and Decolonization Committee issued as A/73/521.

The meeting rose at 4.45 p.m.