



# General Assembly

Seventy-second session

**64<sup>th</sup>** plenary meeting  
Tuesday, 5 December 2017, 3 p.m.  
New York

Official Records

*President:* Mr. Lajčák ..... (Slovakia)

*In the absence of the President, Mr. Perera (Sri Lanka), Vice-President, took the Chair.*

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

## Agenda item 77 (continued)

### Oceans and the law of the sea

#### Draft resolution (A/72/L.7)

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

##### Reports of the Secretary-General (A/72/70 and A/72/70/Add.1)

##### 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 Socio-economic Aspects (A/72/89 and A/72/494)

##### Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its eighteenth meeting (A/72/95)

#### Draft resolution (A/72/L.18)

#### (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/72/L.12)

**Mr. Kyota** (Palau): We would like to begin by associating ourselves with the statements delivered by Mrs. Jane Chigiyal, Ambassador of Micronesia, on behalf of the Pacific small island developing States, and Mr. Ali'ioaiga Feturi Elisaia, Ambassador of Samoa, on behalf of the Pacific Islands Forum (see A/72/PV.63).

For small island developing States like Palau, the health of the ocean is everything. It is our food security, livelihood, culture and identity. People refer to us as small island States, but in reality we are large ocean States. Living on our island means one is born a fisherman or fisherwoman. We are able to see and live in the reality of depleted and declining fish stocks and biodiversity of the ocean. However, it is no longer a fisherman's tale to tell. Science is proving the tales to be true. It is informing us that we need to act now and stop unsustainable practices that are causing harm to our ocean. The ocean is like a sick person and will die if we do not take action to heal it.

The journey of a thousand miles begins with a single step. At the United Nations, we have begun the journey to restore ocean health. Over the past year, we have seen great progress in raising the critical issue of the ocean on the world stage. We thank Fiji and Sweden for their leadership during the United Nations Ocean Conference and for its outcomes, the call for action (resolution 71/312, annex), the partnership dialogue and the voluntary commitments. We welcome the Secretary-

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General's announcement of Mr. Peter Thomson as his Special Envoy for the Ocean; he will continue that momentum. That work and the progress made with respect to marine protected areas are a proven part of the integrated approach to a sustainably protected ocean. We truly need to pursue that path to enlarge marine protected areas and ensure that they are there to repopulate, regenerate and have a spillover effect on other areas.

In Palau, we are doing our part. Eighty per cent of our water — the size of France — has been declared a sanctuary, which we have set aside as a marine protected area. We have also enacted a total ban on shark hunting and measures to protect turtles and other marine biodiversity. However, that will all be in vain if nothing is done beyond our borders. The vast ocean beyond our national maritime borders, the high seas, must also be wisely managed and regulated; otherwise, our national efforts will be meaningless.

We welcome the launching of the intergovernmental conference on biodiversity beyond national jurisdiction to ensure that we are able to address the critical issues of marine genetic resources, area-based management tools, environmental impact assessments, capacity-building and the transfer of technology. We look forward to the early conclusion of the negotiations.

Within the worldwide network of protected areas, we must also take into account the need for sustainable development and create opportunities for food security initiatives in developing countries by enhancing small-scale and artisanal fisheries and building capacity in sustainable fisheries, tourism and aquaculture. We must also advance multi-country and multi-stakeholder partnerships on whole-domain management and partnerships to tackle illegal, unreported and unregulated fishing, human and drug trafficking and harmful fisheries subsidies and pollution. In that context, I would encourage all States to immediately ratify the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

As we have often said, the ocean does not divide us; it unites us. In that spirit, therefore, we look forward to uniting and working together to restore our ocean.

**Mr. Vasylenko** (Ukraine): The delegation of Ukraine aligns itself with the statement delivered by the delegation of the European Union (see A/72/PV.63)

and would like to add the following remarks in its national capacity.

At the outset, we would like to express our gratitude to the Secretariat and the Division for Ocean Affairs and the Law of the Sea for their work and constant support during the year.

Today my delegation is pleased to join many others in sponsoring the draft resolutions entitled "Oceans and the law of the sea" (A/72/L.18), "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" (A/72/L.7) and "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" (A/72/L.12). We commend the coordinators' excellent facilitation of the preparation of these draft resolutions.

The marine environment continues to be a matter of serious concern, owing to climate change, marine- and land-based human activities, marine debris, overfishing and illegal unreported and unregulated fishing. All of those factors increase pressure on marine ecosystems, leading to their gradual degradation. It is therefore crucial to ensure that the international community pays attention to these problems and takes concrete steps to address them.

We also have to continue fulfilling our commitments in accordance with the Sustainable Development Goals, which provide internationally agreed policy guidance, goals and targets. In that regard, we believe that proper implementation of Goal 14, which recognizes the importance of the conservation and sustainable use of the oceans, seas and their resources, is vital to countering the major threats that the marine environment continues to face. In this regard, the adoption at the Ocean Conference in June this year of the outcome document "Our ocean, our future: call for action" (resolution 71/312, annex) served as a clear signal to all stakeholders of the urgent need for cooperation and coordination of joint efforts.

We acknowledge the importance of enhancing ocean governance as a cornerstone for the preservation and protection of the marine environment and biodiversity, as well as ensuring peaceful relations among States.

The United Nations Convention on the Law of the Sea (UNCLOS) is rightly considered by its 168 Member States parties, including my country, to be the constitution of the oceans, reflecting customary international law and establishing the overarching legal framework for all activities in oceans and seas. Unfortunately, the UNCLOS legal order is currently facing great challenges, owing to the Russian Federation's occupation of the Autonomous Republic of Crimea and the city of Sevastopol. Ukraine's rights as the coastal State in maritime zones adjacent to the Crimea in the Black Sea and the Kerch Strait have been interfered with and usurped by the aggressor State. We have been unable to fulfil international obligations under the respective treaties and conventional instruments in the maritime areas appertaining to the Crimean peninsula, including those relating to the safety and security of navigation, the regulation of maritime traffic, the protection of the marine environment and search and rescue operations.

As a result, the north-eastern part of the Black Sea has become a dangerous grey area for international shipping, as shown by the number of marine casualties and incidents. In this context, acting in good faith, Ukraine is taking reasonable and responsible steps to deal with the situation caused by the armed aggression of the Russian Federation by peaceful means, through our institution on 12 May of arbitral proceedings under UNCLOS. We are confident that the Tribunal will arrive at an appropriate and fair decision.

Maintaining and enhancing the security of maritime spaces is essential to the ability of States to maximize the benefits from the oceans and seas and develop a sustainable ocean-based economy. We therefore condemn all incidents of piracy and armed robbery at sea, transnational organized crime and terrorism in the maritime domain, trafficking in persons, smuggling of migrants, illegal, unreported and unregulated fishing, and other maritime activities that threaten global security, stability and prosperity.

We are concerned about the incidents of piracy that have occurred in Somalia in 2017, posing an ongoing threat to the prompt, safe and effective delivery of humanitarian aid to the region, to international navigation and the safety of commercial maritime routes, and to other ships, including fishing vessels operating in conformity with international law. In this regard, we commend the countries that have deployed naval forces in the Gulf of Aden and the Somali basin

to dissuade piracy networks from carrying out acts of piracy.

Though we are encouraged by the achievements of the international community in countering maritime piracy, we want to underscore that no sustainable results will be possible if we do not deal with the root causes of piracy and robbery at sea and bring the perpetrators of such acts to justice, along with their organizers and facilitators on land.

In conclusion, we would like to echo the latest report of the Secretary-General on oceans and the law of the sea (A/72/70), which emphasizes the necessity of full and effective implementation of the UNCLOS and related instruments at the global, regional and national levels as key to achieving ocean-related objectives and fulfilling ocean-related commitments.

**Mr. Claycomb** (United States of America): My delegation is pleased to be a sponsor of the draft General Assembly resolution on oceans and the law of the sea (A/72/L.18). This annual resolution serves as an important opportunity for the global community to identify key ocean issues and develop constructive ways to address them. The United States values the platform that the General Assembly provides to elevate those issues.

In particular, we are pleased that this year's draft resolution recognizes the significant and continuing contributions of the Global Ocean Acidification Observing Network to fostering scientific cooperation and building capacity to monitor and study ocean acidification. Scientists established that collaborative international science network in 2013 to document the status and progress of ocean acidification. The Network's membership now includes more than 400 scientists from 67 countries and continues to grow rapidly. We encourage all Member States and their scientists to participate in the Network.

We are also pleased that this year's draft resolution encourages the global effort to map the ocean floor. Mapping the sea floor will lead to critical benefits for the world, including the sustainable management of living resources, safe navigation, understanding ocean circulation patterns, and access to seabed resources. Such mapping also provides scientific information for models of tsunami inundation and storm surges. We encourage all Member States to consider contributing to that important effort.

Among the most important issues contained in this year's draft oceans resolution is the proposed declaration of an international decade of ocean science for sustainable development, which will start in 2021. The decade of ocean science will stimulate international cooperation on marine science so that we can identify and fill critical gaps in our knowledge. It will increase our understanding of ocean dynamics and marine ecosystems and their impact on society. The decade will also allow us to seek science-based solutions for sustaining benefits from the ocean.

In relation to the draft resolution's references to the 2030 Agenda for Sustainable Development, which were agreed on in previous years, the United States recognizes the 2030 Agenda as a global framework for sustainable development that can help countries work towards global peace and prosperity. We applaud the call for shared responsibility in the 2030 Agenda and emphasize that all countries have a role to play in achieving its vision. We also strongly support the national responsibility that is stressed in the 2030 Agenda. However, each country has its own development priorities, and we emphasize that countries must work towards implementation in accordance with their own national circumstances and priorities. At this time, we cannot express support for every specific goal or target of the Sustainable Development Goals.

In relation to the draft resolution's references to the Paris Agreement on Climate Change, we note that on 4 August, the United States communicated to the United Nations that it intends to withdraw from the Paris Agreement as soon as it is eligible to do so, consistent with the terms of the Agreement, unless the President can identify suitable terms for re-engagement. Furthermore, the language on climate change in the draft resolution is without prejudice to evolving United States positions. We recognize that climate change is a complex global challenge and we stand ready to continue working with others on that issue.

We would like to thank Mr. Thembile Joyini of South Africa for his coordination of the draft oceans resolution. He did an outstanding job. We would also like to thank Director Gabriele Goettsche-Wanli and the staff of the Division for Ocean Affairs and the Law of the Sea for their expertise and support, and to express our appreciation to delegations for their hard work and cooperation in negotiating the draft resolution. It is our hope that this spirit of cooperation will characterize our

efforts to address the numerous and complex issues that lie ahead for the ocean.

The United States was pleased to participate in the Preparatory Committee established by General Assembly resolution 69/292 on the development of 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. In particular, we welcomed discussions on marine protection and environmental impact assessments, and how a possible new treaty could be used to conserve and sustainably utilize marine biodiversity.

While we were pleased with the Preparatory Committee discussions, we were disappointed by its outcome. In particular, we were disappointed that the Preparatory Committee process did not enable delegations to negotiate consensus-based elements of a draft text for a new instrument, as the General Assembly had mandated the Committee to do so. The issues before us are difficult and complex. Without a consensus-based starting point, my delegation is concerned that we will be unable to find a path forward and that, rather than reach an outcome that could be supported by all, we will instead have a controversial result that is not in keeping with the balance that was so carefully achieved in the Convention on the Law of the Sea.

For that reason, we strongly believe that the intergovernmental conference should operate by consensus. We believe that this is the best way to find effective and lasting solutions on marine biodiversity beyond the national jurisdiction that will be supported by most States. Unfortunately, the draft resolution before us does not mandate decision-making consensus. For that reason, we are unable to support it. However, we will not block a consensus. My delegation remains hopeful that we can make progress towards our shared goal of conservation and the sustainable use of marine biodiversity in areas beyond national jurisdiction, and urges all States to continue working on the basis of consensus as the best path to a meaningful and lasting new agreement. The United States would like to thank Kate Neilson of New Zealand and Pablo Arrocha Olabuenaga of Mexico for their outstanding efforts in coordinating the draft resolution.

Regarding the draft resolution on sustainable fisheries (A/72/L.12), the United States greatly



appreciates the efforts of the facilitator, Andreas Kravik of Norway, for his tireless management of this challenging negotiation. The United States greatly values the important work being done throughout the world on sustainable fisheries and supports almost the entire draft resolution that we have before us. The draft resolution represents significant work to address global priorities, including achieving sustainable fisheries; fully implementing international fisheries agreements; combating illegal, unreported and unregulated fishing; strengthening fisheries governance; and many other policy themes.

Unfortunately, the draft resolution contains language that the United States Administration is unable to support, namely, paragraphs 119 and 120. With respect to operative paragraph 120, the same paragraph appeared in the outcome document of the Ocean Conference in June (resolution 71/312, annex). The United States dissociated itself from that paragraph at the time, stating that

“[T]he World Trade Organization’s (WTO) independence from the United Nations must be respected, and we continue to believe that the United Nations must not attempt to speak to ongoing or future work in the WTO, reinterpret existing WTO rules and agreements, or undermine the WTO’s independent mandate and processes. Continued attempts to do so at the United Nations will make it difficult for the United States to join consensus on resolutions and conference documents.”

We are dismayed that that paragraph now appears in the draft resolution before us. The United States also notes that paragraph 119 contains outdated references to the Doha Development Agenda. At the Tenth WTO Ministerial Conference in December 2015, members of the WTO did not reaffirm the Doha Development Agenda and are no longer negotiating under that framework. We cannot join a consensus on language that does not appear to reflect that important development.

It is with great regret that we must call for a recorded vote on this draft resolution because we continue to oppose those objectionable paragraphs. We hasten to add that we continue to support the rest of the sustainable fisheries draft resolution, which provides critically important policy guidance on sustainable fisheries management to Member States. The United States remains committed to taking strong, cooperative action to ensure the sustainability of shared marine

fisheries and resources, as well as combating illegal, unreported and unregulated fishing. We will continue to work with other nations through the United Nations system and within the regional fisheries management organizations in order to advance the key issues highlighted in the draft resolution.

**Mr. Umasankar (India):** This has been a landmark year in the global engagement on oceans and the law of the sea. Our understanding of the interdependence of our oceans, the global climate, weather patterns and the prospects for sustainable development continues to improve. We thank the Secretary-General for his report on these and related issues (A/72/70).

The United Nations Oceans Conference, held in June, put the spotlight firmly on issues relating to oceans. This was the first such high-level conference that focused on the various interlinked aspects of the condition of our oceans and its impact on the sustainability of life itself. We welcomed the comprehensive call for action issued by the Conference (resolution 71/312, annex), as well as the voluntary registry of commitments, to which India also contributed. The Indian delegation was led at the ministerial level. On World Oceans Day, we announced the establishment of the India-United Nations Development Partnership Fund, the first project of which focuses on climate resilience for Pacific island States.

In this context, the first World Ocean Assessment report, presented in April, was very useful in contributing to the science-policy interface. The report was considered at the eighth meeting of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects. The Group’s subsequent meeting in September considered the elements for the preparation of the second World Ocean Assessment. The reports submitted by the Ad Hoc Working Group are useful for further deliberations.

The April discussions of the Working Group fed into the deliberations held in May at the eighteenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. We welcome the report of the Group (A/72/95) and support the continuation of this process.

While the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which was adopted after decades-long negotiations, lays down the

basic framework of international law governing the jurisdiction of coastal States over adjacent maritime areas, what happens to the governance of areas beyond such jurisdiction is becoming increasingly important, especially in view of the rapid advancements in technology and our scientific understanding.

In this context, it is important that the Preparatory Committee on an international legally binding instrument on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (BBNJ) also reached consensus on a recommendation to convene an intergovernmental conference. The BBNJ process is expected to give shape to global governance of an aspect that is of importance to everyone.

As a country with a vast coastline of more than 7,500 kilometres, with more than 1,000 islands and with one third of its population living along the coast, India has a long-standing maritime tradition and an abiding interest in ocean affairs. India is the world's third largest producer of fish and second largest producer of freshwater fish. We have 12 major ports and nearly 150 smaller ones. We are acutely aware of the challenges and opportunities that oceans represent, from sustainable fisheries to prevention and the control of marine litter and plastic pollution, from affordable renewable energy to ecotourism and early warning systems for disaster risk reduction and management, building resilience and adaptation to climate change. We must work towards innovative technologies for offshore renewable energy, aquaculture, deep seabed mining and marine biotechnology, which will provide new sources of jobs and competitive advantage.

Earlier this year, the historic first summit of the Indian Ocean Rim Association, of which India is an active member, recognized the blue economy as a driver of inclusive and sustainable economic growth and development. The need to green the ocean economy is also becoming clear. India was an active participant in multilateral efforts to develop the collective management of ocean affairs and one of the early parties to the 1982 United Nations Convention on the Law of the Sea.

In addition to UNCLOS, India is party to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982; the 1995 Agreement for the Implementation of the Provisions of the United Nations

Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks; the International Convention for the Prevention of Pollution from Ships, of 1973, as modified by the Protocol of 1978; the International Convention for the Control and Management of Ships' Ballast Water and Sediments of 2004, which protects the seas from invasive aquatic alien species; the 1972 London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter; and other agreements that regulate various activities of the oceans, especially the conservation and sustainable use of ocean resources.

India cooperates with its partners in the region through its membership of the South Asian Seas Action Plan of 1995, which is serviced by the secretariat of the South Asia Cooperative Environment Programme. The main focus of the Action Plan is on integrated coastal zone management, oil-spill contingency planning, human resource development and the environmental effects of land-based activities.

The smooth functioning of the institutions established under the Convention — the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — is key to the proper implementation of the Convention's provisions and to achieving the benefits desired from use of the seas.

Three decades ago, India was the first country to receive the status of a pioneer investor in the Indian Ocean. Today, Indian scientists are collaborating with research stations in the Arctic Ocean, studying its links to the climate in our own region, and Indian hydrographers are partnering in capacity-building efforts with our maritime neighbours. Indian institutions work closely with regional partners in improving early warning systems for tsunamis and cyclones. Indian naval ships are deployed in the delivery of humanitarian assistance, emergency evacuation and in patrolling sea lanes against pirates.

India remains committed to the sustainable development of its blue-economy partnership for the 2030 Agenda, including Sustainable Development Goal 14.

**Mr. Bukoree** (Mauritius): At the outset, my delegation would like to align its statement with those delivered this morning by the representatives of Ecuador, on behalf of the Group of 77 and China, and

Algeria, on behalf of the Group of African States (see A/72/PV.63).

We wish to thank and show our appreciation to the co-Facilitators from New Zealand and Mexico, respectively, for their successful facilitation of the modalities draft resolution, A/72/L.7, in view of the forthcoming intergovernmental conference on marine biological diversity beyond areas of national jurisdiction (BBNJ).

We would also like to sincerely thank Ambassadors Eden Charles of Trinidad and Tobago and Carlos Duarte of Brazil for their stewardship and their expert and elegant conduct of the work of the Preparatory Committee established by resolution 69/292, on the development of 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. Mauritius therefore warmly welcomes the convening of the intergovernmental conference in September next year and fully supports the current draft resolution.

We are now about to take a giant leap forward by launching the start of negotiations and the drafting of the text of the new international legally binding instrument, and we are confident that it will be widely accepted. While my delegation believes that the new instrument should have a clear focus on the protection and preservation of the marine environment, by restoring ecosystem integrity, protecting habitats and conserving species and genetic diversity, among other things, we are also of the view that provisions should be made for using the best available science to ensure the conservation and sustainable use of marine resources. The new instrument should also ideally encourage and enhance cooperation between States, by States in international organizations and between international institutions, and pay particular attention to the benefits to developing countries.

We are at the dawn of something truly historic and exceptional. Oceans are in the spotlight and rightly so. Never has there been such a need for a comprehensive global regime to better address BBNJ conservation and sustainable use. As time is of the essence and the international community wants to achieve all the Sustainable Development Goals, there is a pressing need to establish a global legal framework for the conservation of BBNJ. At the same time, that framework

must be supported by existing regional treaties. Right now, BBNJ protection and conservation is fragmented. While there are many international bodies and treaties that manage ocean resources and human activity in areas beyond any State's national jurisdiction, their jurisdictions often overlap and there are virtually no mechanisms that coordinate across geographical areas and sectors.

Moreover, although the United Nations Convention on the Law of the Sea (UNCLOS) provides for a global legal framework for the conservation of marine species, it has only a few provisions involving marine biological diversity. Traditional methods, such as the zonal-management and species-specific approaches, have been inadequate to conserving marine biological diversity, since they pay little attention to the ecological interactions between marine species.

The intergovernmental conference next year will also be an opportunity to clarify jurisdiction over the marine biodiversity found in the water column over the areas of the extended continental shelf, which is not adequately covered by current legal instruments. Mauritius believes that there should be legal clarity and certainty on the issue and adequate provisions for oversight of the matter. While existing legal instruments maintain that States have custody of the resources on the seabed and subsoil of their extended continental shelves, they are silent on marine genetic resources in the water column above the extended continental shelves.

In addition, the new instrument should ensure that the designation of area-based management tools, including marine protected areas, is done in full consultation with coastal States and with full respect for international law and generally accepted international practices. While the new instrument may make de facto reference to the different types of area-based management tools and their criteria, it should also seek to establish a global system of connected and effectively managed marine protected areas, including representative networks in areas beyond national jurisdiction.

The protection and preservation of the marine environment is a matter of urgency. The high seas, which cover nearly half of the planet and make up more than 60 per cent of the global ocean, contain some of the most biologically important and least protected ecosystems in the world. In this regard, the new instrument will

help reinforce the existing provisions under UNCLOS, while shifting the onus onto States to take action for the common good and not their own national aspirations alone. It is further hoped that the international legally binding instrument will reinforce cooperation among States and that there will be clear binding rules for the protection and preservation of the marine environment. We are therefore confident that the new instrument will succeed in adequately complementing UNCLOS.

Before I conclude, I would like to warmly welcome the Secretary-General's appointment of Mr. Peter Thomson, former President of the General Assembly, as Special Envoy for the Ocean.

**Mr. Alday** (Mexico) (*spoke in Spanish*): At the outset, I would like to thank Mr. Thembile Joyini of South Africa and Mr. Andreas Kravik of Norway for their outstanding work as Facilitators of the draft resolutions on oceans and the law of the sea (A/72/L.18) and sustainable fisheries, respectively (A/72/L.12).

As a matter of principle, Mexico reaffirms that the United Nations Convention on the Law of the Sea (UNCLOS) constitutes the international regulatory framework within which all activities in the oceans are carried out and is a central part of cooperation in the marine sector at the national, regional and international levels, and its integrity must therefore be maintained. It is that principle that serves as the basis for Mexico's participation in the negotiations on the draft resolutions we are discussing.

Mexico is fully committed to the sustainable development of the oceans, including the dimensions of sustainable use, on one the hand, and protection and conservation, on the other. At the national level, my country encourages the use of the seas for peaceful purposes, the equitable and efficient use of its resources, the conservation of its living resources, and the research, protection and preservation of the marine environment, thereby promoting economic and social advancement.

In this regard, Mexico underscores the international community's commitment to preserving marine ecosystems, reflected in both Aichi Biodiversity Target 11 and in Goal 14 of the 2030 Agenda for Sustainable Development and its specific targets. Hence the importance of the success of the United Nations Conference to Support the Implementation of Sustainable Development Goal 14, which adopted the

declaration "Our ocean, our future: call for action" (resolution 71/312, annex).

In this regard, I would like to emphasize that my country has far exceeded Aichi Target 11 and has made a significant contribution to achieving target 14.5 of the Sustainable Development Goals, since more than 22 per cent of Mexico's marine area is currently protected. We are also committed to developing instruments and coordination mechanisms in order to generate synergies with other relevant stakeholders.

Moreover, my delegation is delighted to inform the General Assembly that following the designation of the Revillagigedo Protected Natural Area as a national park by the President of the Republic on 27 November, the area of the protected site in that marine zone has increased by more than 2,000 per cent. In 1994 there were around 650,000 protected square hectares; today that number is almost 15 million.

Moreover, Mexico fully endorses the conclusions of the eighteenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea about the urgency of addressing the effects of climate change and ocean acidification in the marine environment and marine biodiversity. Mexico encourages States to continue to improve their scientific research in order to better understand these effects and study ways for adapting to them. In this context, Mexico supports the UNESCO proposal to establish an international decade of ocean science for sustainable development in order to increase the capacities and resources for research, in accordance with UNCLOS. We urge relevant international organizations to strengthen their cooperation to share and disseminate information and to coordinate research efforts.

We also condemn the illicit trade in species via the oceans and have increased our efforts to preserve endangered marine species. In this regard, I would like to highlight two specific cases. With regard to the illicit trade in species, Mexico is working jointly with other countries to define coordination mechanisms that will enable us to curb the illegal trafficking of totoaba fish at various points along the consumer chain. Regarding the preservation of marine species, Mexico has also taken a number of actions aimed at halting activities affecting the vaquita porpoise and continues to seek tools to help preserve it, including through continuing communication with the relevant international organizations.



So far I have been discussing actions related to the sustainable development of oceans from my national perspective. However, in order to address the full scope of this issue, we have to discuss the conservation and sustainable use of marine resources beyond national jurisdiction.

In this regard, we are pleased that the Preparatory Committee established under resolution 69/292 has concluded its work and recommended convening an intergovernmental conference as soon as possible to negotiate a legally binding international instrument in the framework of UNCLOS. We congratulate Ambassadors Eden Charles of Trinidad and Tobago and Carlos Duarte of Brazil, as well as their respective teams, for their hard work during the four sessions of the Preparatory Committee.

As noted by the representative of New Zealand (see A/72/PV.63), our delegations had the honour of facilitating the negotiations of draft resolution A/72/L.7, resulting from the recommendation of the Preparatory Committee to convene a negotiating conference. Mexico reiterates its thanks to all delegations for their work and support, and to the Division for Ocean Affairs and the Law of the Sea for its support during this process. We acknowledge in particular the dedication and spirit of camaraderie in which Kate Neilson conducted this difficult joint task.

For my delegation, the added value of the draft resolution — which has been endorsed by 133 Member States to date — lies not only in the convening of a negotiation conference based on the 2011 thematic package, but also in beginning its substantive work in 2018, and in the fact that it offers clarity regarding the conference's working modalities. In that connection, Mexico recognizes that the intergovernmental conference must be an open, inclusive and transparent forum in which States, international organizations, civil society and other relevant actors have the opportunity to express their opinions and ensure the establishment of clear and efficient rules. This is why it is so important for my delegation that the draft resolution offers sufficient flexibility in terms of the time needed to negotiate a legally binding instrument that is robust and aspires to universality.

We are ready to work with the entire membership on this task, the final objective of which is to preserve our oceans and thereby our planet.

**Mrs. Nguyen (Viet Nam):** At the outset, I would like to thank the Secretary-General for his comprehensive reports under this agenda item (A/72/70 and A/72/70/Add.1), which provide important information on the recent developments relating to ocean affairs and the law of the sea.

We would also like to thank Mr. Thembile Joyini of South Africa and Mr. Andreas Kravik of Norway, Ms. Kate Neilson of New Zealand and Mr. Pablo Arrocha Olabuenaga of Mexico for their enormous efforts in coordinating the informal consultations on the important draft resolutions A/72/L.7, A/72/L.12 and A/72/L.18, on which we are going to take action.

We would like to take this opportunity to express our deep appreciation to the General Assembly and its subsidiary organs for their productive work on oceans and the law of the sea this year. We also welcome the outcomes of the 18th meeting of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea and the success of the 18th Meeting of States Parties to the 1982 United Nations Convention on the Law of the Sea (UNCLOS), and acknowledge the activities of the bodies established by the Convention, including the International Seabed Authority and the Commission on the Limits of the Continental Shelf. We attach special significance to the role, contribution and jurisdiction of the International Tribunal on the Law of the Sea and other dispute-settlement mechanisms in the interpretation and application of UNCLOS.

Viet Nam is a coastal State and among those countries most vulnerable to climate change, sea-level rise and extreme weather events. At the same time, we suffer from the adverse effects of maritime pollution and marine resource depletion. We strongly support all efforts by the international community to promote the conservation and sustainable use of oceans, seas and marine resources.

It has been heartening to witness the significant developments relating to ocean affairs and the law of the sea over the past year, in particular the great success of the first-ever Ocean Conference. With its declaration, entitled “Our ocean, our future: call for action” (resolution 71/312, annex) and more than 1,000 voluntary commitments and partnerships registered, the Conference has created important momentum for addressing ocean issues and the effective implementation of Sustainable Development Goal (SDG) 14. It is now time to turn our commitments into actions.

I would like to stress the importance of capacity-building and the transfer of modern marine technology by developed countries to developing and least developed countries, as well as coastal and small island developing States, in order to help strengthen their ocean-based economies and their resilience to climate change and contribute to their fulfilment of the Sustainable Development Goals.

We also welcome the work and recommendations of the Preparatory Committee established by resolution 69/292, on the development of an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ). Viet Nam is of the view that biological diversity and resources in areas beyond national jurisdiction should be considered the common heritage of humankind. We support the General Assembly's decision to convene an intergovernmental conference, under the auspices of the United Nations, to consider the recommendations of the Preparatory Committee on the elements and to draft the text of an international legally binding instrument on BBNJ with a view to developing the instrument as early as possible.

UNCLOS provides a comprehensive and equitable legal framework for all activities in the oceans and seas. It 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 marine resources in areas both within and beyond national jurisdiction. The importance of UNCLOS has been highlighted in the Assembly's annual resolutions on oceans and the law of the sea, especially in SDG 14 and the declaration of the first Ocean Conference. The full implementation of the Convention by all States parties will be key to ensuring a peaceful environment for cooperation and partnership in the seas and oceans. Viet Nam was among the first countries to sign and ratify the Convention and has always adhered to its provisions, respected the legitimate rights and interests of other nations, and actively participated in activities within the framework of the Convention.

The East Sea, also known as the South China Sea, not only plays a crucial role in the livelihood of the peoples of its coastal countries but also hosts important international shipping routes. The maintenance of peace and stability, maritime security and safety, and freedom of navigation and overflight in the East Sea

is the shared interest and concern of the region and the world.

Together with other countries of the Association of Southeast Asian Nations (ASEAN), Viet Nam calls upon all parties concerned to exercise self-restraint and settle disputes in the East Sea by peaceful means, in accordance with international law, including UNCLOS, fully respect diplomatic and legal processes, and faithfully implement the Declaration on the Conduct of Parties in the South China Sea. We welcome the recent adoption by ASEAN and China of the framework of the Code of Conduct and call for swift and substantive negotiations to expedite the completion of an effective, feasible and legally binding code of conduct, in conformity with UNCLOS.

In conclusion, I would like to emphasize once again the universal and unified character of UNCLOS. We urge all nations to respect and fulfil their obligations to ensure peace, stability and sustainable development of the oceans, seas and marine resources for the benefit of humanity — for all of us and for future generations.

**Ms. Kabua** (Marshall Islands): I have the honour of conveying to the General Assembly the warm greetings of Yokwe from the Republic of the Marshall Islands.

The Republic of the Marshall Islands aligns itself with the statements delivered by the representatives of Samoa and the Federated States of Micronesia, who spoke on behalf of the Pacific Islands Forum and the Pacific small island developing States, respectively (see A/72/PV.63).

While oceans and fisheries remain a topic of great interest for many States Members of the United Nations, for the Marshall Islands, ensuring sustainable oceans and fisheries is of paramount and vital importance. One need only look at a map to understand why. We are a nation composed of more than 99 per cent water.

The Marshall Islands welcomed the high-level meeting on Sustainable Development Goal 14 held earlier this year. For us, oceans are not just a sector but the primary basis of our culture, our environment and our development. For a nation in a region that helps supply approximately half of the world's tuna and is home to some of the world's richest biodiversity, ensuring sustainable development is not only to our own national benefit but can also make a major contribution to global food security and the world's environment. In this forum, we are not just a small island State but a

large and loud voice in wider global efforts on oceans and climate change. It is time that other nations stood with us, not just in words, but in actions that prove their political will.

The Marshall Islands, and the other parties to the Nauru Agreement, have benefited from our zone-based management approach and the related Vessel Day Scheme to ensure that conservation, economic development and the allocation of fishing effort take place within our exclusive economic zone on our own terms. Our eventual expansion into the commercial tuna-fishery industry is not picking a fight; it is simply a question of basic economic survival for our islands. Indeed, under the Fish Stocks Agreement, we are moving forward to build our capacity to fish our own waters, support vessels with onshore services and process the catch. We have already accomplished this in the purse-seine sector, and we now anticipate moving forward into a Vessel Day Scheme approach to longlining tuna-fishing boats, which will greatly improve catch verification by independent observers and other management systems.

We firmly reject the notion that distant fishing nations somehow have flag-State rights to fish our waters, and this will not change. At present, we license distant fishing nations and give them the opportunity to fish in our waters because, despite our status as a coastal State, we have not yet built the capacity to fish. But there will come a time when the Islands has the capacity to expand fishing in its own zones, and others will have to be prepared to give way. For other nations, fishing our domestic waters — with the conservation conditions and sustainable measures that we attach to such fishing — is a privilege, not a right.

Domestic revenues from licensing have already increased dramatically, allowing us to invest in our own infrastructure, but we still enjoy only a small fraction of the benefits produced by the industry as a whole. We are increasingly building that capacity in the Marshall Islands and the wider region. The expanding domestic footprint in the industry is a vision of the future. We are firmly committed at the highest levels to rewriting the script. For us, sustainability and development are not opposites, but one and the same. While many nations stand with us on this matter at the United Nations, we remain seriously concerned that in regional negotiations sentiments can change quickly behind closed doors, potentially leaving us with a

lowest-common-denominator outcome that could leave future generations behind. That would be unacceptable.

When we gather at the United Nations in May 2018 for World Tuna Day, we must do so with the strongest possible commitment to achieving sustainable fisheries. In this regard, we are confident that our progress will result in the recertification of our purse-seine fishery programme by the Marine Stewardship Council, the world's largest sustainable-fishing initiative. While some distant fishing nations may be slow to wake up to the new landscape, private-sector demand is already charting a positive course for the sustainability of our fisheries.

It is vital that we ensure that our people are not passive bystanders or mere spectators when it comes to our own resources; they must be directly involved in our fisheries and our economic future. Continuing with the status quo would prolong our outsized dependence on foreign assistance and result in our missing a vital opportunity to generate revenue and employment and ensure sustainable practices. Put simply, advancing in our own initiatives on our terms is the key to dramatically transforming our entire region.

We remain strongly concerned about the overall state of the ocean environment. It is true that we and others are optimistic and see avenues for future success. But we are concerned about the declining global health of oceans. If the international community takes a step forward, it is also taking two steps backwards at the same time. We risk losing species that science has barely begun to understand. We risk leaving future generations behind if we fail to fully benefit from our primary resource. In particular, we are concerned about the fact that the effects and projected risks of climate change are having an adverse impact on our primary resource. Likewise, local drivers of ocean and marine pollution have cut off our urban centres from the oceans right in front of them. This tragic scenario is seen around the world, and reflects not a dearth of reports or a lack of international principles, but a failure of the political will needed to turn words into action.

We look forward to engaging in focused intergovernmental negotiations for a new instrument to address biodiversity beyond national jurisdiction. It is also vital that the United Nations system and the international community continue to take steps that prevent the oceans issue from being sidelined and continue to mainstream oceans into our wider

development planning and ensure that our young people and future generations have a positive future to look forward to, a future in which no one — and no island — is left behind.

**Ms. Krisnamurthi** (Indonesia): Indonesia is pleased to welcome the three draft resolutions submitted under the agenda item relating to ocean issues, and we thank the Facilitators for their excellent efforts — South Africa, for draft resolution A/72/L.18, entitled “Oceans and the law of the sea”; Norway, for draft resolution A/72/L.12, 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”; and Mexico and New Zealand, for draft resolution A/72/L.7, entitled “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”. We would also thank the Secretariat for its excellent and tireless support throughout the negotiation process.

Indonesia aligns itself with the statement delivered by the representative of Ecuador on behalf of the Group of 77 States and China (see A/72/PV.63).

In the past year, there have been various important and crucial developments that are covered in the draft resolutions under discussion. One positive note, among others, is the recognition of the growing number of transnational organized crimes committed at sea, including trafficking in persons, drug crimes, people-smuggling and the illegal trafficking of flora and fauna. We agree that enhanced international cooperation is required to address such crimes through the application of the United Nations Convention against Transnational Organized Crimes and other relevant instruments. Indonesia appreciates the work and publications of the United Nations Office for Drugs and Crime with regard to transnational organized crimes at sea. They provide us with more evidence on the emergence and interlinkage of different types of crimes at sea and a formula to address them.

Another important aspect that is worthy of serious attention is the relationship between illegal, unreported and unregulated (IUU) fishing and transnational organized crime supporting such activities. IUU

fishing activities have decimated countless species and impoverished coastal communities from Africa to the Pacific. These illegal practices cause further destruction to economies and social conditions and undermine human rights through corruption, money laundering, document forgery, forced labour and many other crimes committed in the value chain.

Indonesia has launched tough measures against IUU fishing and has also adopted a regulation barring slavery and forced labour in the fisheries industries. Poachers are now avoiding Indonesian waters. Indonesia has also led in the effort to establish regional instruments to fight crime in the fisheries sector, in which we included coastal States, flag States and market States.

Another positive reference within the draft resolution is to the outcome of the United Nations Ocean Conference, one of this year’s instrumental and major achievements, with its call for action (resolution 71/312, annex) and more than 1,400 voluntary contributions covering a number of important ocean-related subjects, such as marine debris, marine protected areas, sustainable fisheries, climate change and other areas of common concern.

One important element that my delegation wishes to stress here is the sense of urgency agreed on by the leaders within the call for action, given that the situation of the oceans has already reached an alarming level. We would like to take this opportunity to express our appreciation to all Member States for recognizing that sense of urgency. In fact, one quick result of the call for action has been the completion of the preparatory meeting on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction and the agreement to convene an intergovernmental conference in 2018. The time is ripe for action, and we call for the critical condition of the oceans to serve as the impetus for the completion of the process. We must stress that commitment means action.

To that end, we welcome the participation of States, intergovernmental organizations, non-governmental organizations and other stakeholders in the process on the broadest possible scale. The oceans are our legacy, and we must show our ownership. Our oceans and seas are facing critical challenges from just one source — ourselves. The adverse impact of climate change and oil pollution at sea, such as oil spills from fixed platforms and collisions of vessels; marine plastic debris floating like giant islands or eaten by fish and



ocean mammals; various forms of plundering the oceans' wealth, including IUU fishing; crimes and transnational organized crimes in fisheries sectors; and even the destruction of the pristine coral reef in Raja Ampat, Indonesia, the global epicentre of coral-reef biodiversity — all come from none other than human activities. What we therefore need now are sincere actions to save our oceans. Words and commitments are important, but actions are vital.

We reaffirm the primacy of the United Nations Convention on the Law of the Sea (UNCLOS) as the main instrument that regulates activities in relation to the oceans. Our view of universal ratification is that it should be seen not only from the perspective of the number of States parties, which now stands at 168 countries, but also from that of the size of the ocean space covered by the UNCLOS regime, which was adopted in 1982. While it would of course be ideal to have all States Members of the United Nations be parties to UNCLOS, at this stage what we all have to consider is whether or not our ocean is covered by the rights and obligations stipulated comprehensively in UNCLOS — our constitution of the ocean.

Finally, we welcome the Secretary-General's Special Envoy for the Ocean and fully support his future work. We are ready to collaborate in all ocean-related undertakings in future. In this regard, we want to announce that from 29 to 31 October 2018, Indonesia will host the fifth Our Ocean Conference, which will be an important forum for mobilizing stakeholders such as States, international organizations, non-governmental organizations and the private sector on ocean issues, so as to contribute to the safety and security of our oceans with a view to achieving Sustainable Development Goal 14.

**Mr. Sisilo** (Solomon Islands): I would like to join earlier speakers in thanking our Facilitators from Mexico, New Zealand, Norway and South Africa for their able stewardship in bringing our negotiations on the oceans, law of the sea, sustainable fisheries and areas beyond national jurisdiction to a successful conclusion.

I would like to associate myself with the statements delivered earlier today by the permanent representatives of Samoa and the Federated States of Micronesia on behalf of the Pacific Islands Forum and the Pacific small islands developing States, respectively (see A/72/PV.63).

As a small island State, Solomon Islands has an abiding interest in strengthening a rules-based framework through the adoption of treaties, norms and guidelines. We survive better in a world governed by the rule of law rather than might alone, and in which there are international norms that respect the sovereignty of States. That is why we are a passionate advocate of the United Nations Convention on the Law of the Sea, which governs international conduct on maritime issues, and why we call on States that have not yet done so to ratify the Convention.

Solomon Islands sits on the largest aquatic continent in the world. We have a vast maritime exclusive economic zone of 2.6 million square kilometres, much larger than our land territory of 28,000 square kilometres. Our small-scale artisanal fishers provide income and livelihoods to our coastal communities, as well as important foreign investment and Government revenue through exports and access fees. Our net worth can be measured in the billions of dollars. Furthermore, the ocean has always been our source of livelihood. We depend on it for economic growth and sustainable development. It is also part of our culture, gastronomy and leisure. The ocean defines who we are; it must therefore remain healthy if we are to survive.

Failing to protect the ocean from the scourges of climate change, illegal, unreported and unregulated fishing, acidification, plastics, oil spills, leakages from war relics and other forms of pollution is failing to protect ourselves and our survival. However, thanks to the United Nations Ocean Conference held in New York in June to support the implementation of Sustainable Development Goal 14, there are some rays of hope — in the call for action that the Conference adopted (resolution 71/312, annex) and in the more than 1,400 voluntary commitments that the call for action inspired. Solomon Islands is among the many countries that have made voluntary commitments.

In this regard, I must pause to commend Fiji and Sweden, for successfully co-hosting the Conference, and the Ambassadors of Portugal and Singapore for delivering the call for action in such a transparent and efficient manner. We also welcome the appointment of Peter Thomson as the Secretary-General's Special Envoy for the Ocean and would like to assure him of our support.

The Ocean Conference and the call for action have set a good foundation to build on for the future, but

it is imperative to ensure that the positive momentum continues and indeed accelerates. The role of the United Nations system will be important, and future global ocean conferences held on a periodic basis can support the progressive achievement of Sustainable Development Goal 14. Ultimately, implementation and its means — financing, technology and capacity — will be key. As the Governments of the world proclaimed in the call for action, our ocean is critical to our shared future and common humanity, and we are determined to act decisively and urgently to protect and restore the health and resilience of our blue planet.

Not only through direct exports but also via fees from access-to-fishing licensing agreements, fisheries are currently the predominant ocean-dependent industry in my country. Despite the relative abundance of these national assets, we have somehow not really gotten around to translating these resources into something more meaningful and beneficial for our people. Indeed, we are still struggling to get a suitable and fair share of economic returns from the sustainable use of our marine resources.

In our efforts to turn the tide and make a big difference in the lives of our people, we have signed up to a number of regional frameworks, declarations and other policy statements aimed at deriving maximum economic returns from our maritime resources. Zone-based management of tuna fisheries in our waters works for conservation and business development. We have what is called the Vessel Day Scheme, which sets a hard limit on the number of fishing days allowed by purse-seine fishing vessels in our region.

Since the inception of the Vessel Day Scheme, revenue accruing to countries parties to the Nauru Agreement has risen from \$60 million annually in 2010, to close to \$500 million this year. From the increasing revenue, hospitals and wharves are being built, airports and roads are being paved and Government operations are being funded. It is not about cutting out the distant-water fishing nations, not at all. It is about developing the capacity of our islands to fish our own waters and process the catch. The Pohnpei Ocean Statement and the Framework for Pacific Regionalism are testimony to our efforts to turn the tide in our favour. After all, these are our oceans, and whatever is within our exclusive economic zone is ours by right.

We have demonstrated our strength in our ownership and management of our fisheries resources through

cooperation and regional solidarity. An excellent example is the regional surveillance programme, where countries in the region work together, and with our partners Australia, New Zealand, the United States of America and France, by sharing resources, expertise, information and real-time intelligence to combat illegal, unreported and unregulated fishing.

But challenges remain. Climate change and carbon-dioxide emissions keep staring at us in the face as they continue to mercilessly degrade our oceans and seas. As the Permanent Representative of the Federated States of Micronesia said this morning (see A/72/PV.63), climate change will be the defining security challenge of this century. Indeed, an unstable climate and the subsequent displacement and relocation of people can exacerbate some of the core drivers of conflict, such as migratory pressures, culture clashes and competition for limited resources.

Those are threats to the very existence of humankind and could very well morph into threats to global peace and security. The Security Council has already acknowledged that link in its adoption in March of resolution 2349 (2017), on the Lake Chad basin region, which included a paragraph recognizing the adverse effects of climate change on stability in that region, among other factors.

Unfortunately, the United Nations system is ill-equipped to respond. Our current reform efforts must therefore take this growing threat very seriously. That is why the Pacific small islands developing States have been asking that the Security Council also address the issue of climate change. And that is why I will once again reiterate our call for the appointment of a Special Representative of the Secretary-General on climate and security.

**Mr. Musikhin** (Russian Federation) (*spoke in Russian*): As one of the leading seafaring nations, our country pays close attention to the development and enhancement of international cooperation on global ocean issues. We are grateful to the Secretary-General for preparing his comprehensive report on this topic (A/72/70). Productive cooperation among States in this field is possible owing to a solid legal foundation that consists of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and the legal instruments adopted in accordance with it.

This year's draft of the annual omnibus resolution on oceans and the law of the sea (A/72/L.18) emphasizes

the universal and uniform nature of the Convention. It reaffirms that the Convention prescribes the legal framework for the implementation of all activities in the world's oceans and that its strategic importance lies in its forming the basis for national, regional and global action and cooperation on ocean issues. It is crucial that its integrity be maintained. We would therefore like to reiterate that it is unacceptable for any changes to be made to the legal framework for ocean activities as defined by the Convention.

Our delegation calls for the effective implementation of existing legal instruments that have been adopted on the basis of UNCLOS and for seamless and coordinated work by the relevant global, regional and sectoral bodies. We consider attempts to reconsider the mandates of these structures to be unacceptable, since they could weaken them, undermine their activities and disrupt the equilibrium of international cooperation.

We take special note of the successful cooperation within the framework 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 the system of regional fisheries-management organizations that the 1995 Agreement established. The fact that it was implemented on its entry into force has proved that it is a reliable instrument for regulating fisheries issues beyond the limits of national jurisdiction, taking into account the balance between sustainable fisheries and preserving the marine environment. We once again call on States to cooperate in establishing new regional fisheries-management organizations, and in enhancing the effectiveness of those already existing. We welcome the increase in the number of States parties to the Agreement this year, and we invite States that have not yet done so to become party to it.

A crucial role continues to be played by the Convention bodies — the International Tribunal for the Law of the Sea, the Commission on the Limits of the Continental Shelf (CLCS) and the International Seabed Authority. We congratulate the new members of the Commission and the seven judges of the Tribunal on their respective elections. We hope that their efforts will help those bodies to carry out their work dynamically and professionally. We consider it important to provide adequate resources for the work of those bodies. In particular, we again call for a solution to the long-

standing issue of health insurance for CLCS members during their stays in New York.

The discussion of issues related to the conservation and sustainable use of marine biodiversity beyond national jurisdiction is particularly important. This year, the Preparatory Committee established by General Assembly resolution 69/292 to develop 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 completed its work. Unfortunately, within that format, delegations were unable to reach consensus on any of the possible elements of a draft text for an international legally binding instrument based on the United Nations Convention on the Law of the Sea.

The mandate that is set out in resolution 69/292 was therefore not fulfilled by the Preparatory Committee. We are concerned about the fact that the draft resolution on the convening of an intergovernmental conference (A/72/L.7) is being forced through immediately after the Preparatory Committee's completion of its work, and we have to point out that the biodiversity process is once again being held hostage in an atmosphere of artificially generated haste. Moreover, in order to expedite the completion of work on the draft resolution, some ambiguities in the modalities for the future event were simply omitted. Our constructive proposal for developing two draft resolutions that would enable us to carefully study all the procedural aspects of the work of the intergovernmental conference was ignored. This very disappointing approach will prevent us from joining the consensus on the draft resolution's adoption.

We also want to comment on the claims made once again by the Ukrainian delegation. The standard set of insinuations and clichés it used is pure propaganda and not based in reality. As to Ukraine's ocean-related claims, we do not believe that they are appropriate to the agenda item under consideration, nor that the General Assembly is an appropriate place for engaging in arguments on such issues.

**Mr. Ravshan** (Maldives): I would like to begin by aligning myself with the statement delivered this morning by the representative of Ecuador on behalf of the Group of 77 and China (see A/72/PV.63), and by welcoming the annual draft resolutions under this agenda item (A/72/L.12 and A/72/L.18), as well as the important new draft resolution on the international

legally binding instrument on the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction (A/72/L.7). My delegation also welcomes the reports of the Secretary-General (A/72/70 and A/72/70/Add.1), which document the progress that has been made under this agenda item.

We have been debating the issues related to oceans for more than 30 years. Yet the discussion that we begin today must take into account an alarming reality — the ocean is in peril. Unless we act now, life in the ocean will perish forever. Marine pollution is at an all-time high. The fragile marine ecosystem is being compromised and depleted. Climate change is causing irreversible damage, including deoxygenation and ocean acidification. Indeed, it is causing sea levels to rise. Coral bleaching is destroying reefs that have been around for millennia. Human activities are suffocating the rich marine biodiversity, and species are being driven to extinction. The United Nations has issued a call for action (resolution 71/312, annex), and it is now time for us to act and listen to the voice of the ocean.

The Maldives, as a nation of small islands, has a duty to raise that voice. For we, the islanders, the people who breathe the ocean and depend on it for our livelihood, our sustenance and indeed our very existence, understand the dangers more than anyone else. However, the ocean is too large and the dangers it faces are too enormous for this issue to be framed as one for small island or coastal States alone. It is a global issue that requires a global solution.

We are pleased to see that we have accelerated progress in this journey to make amends this year. Just a few months ago the historic first United Nations Ocean Conference was held, focusing solely on the ocean within the context of the implementation of Sustainable Development Goal (SDG) 14. The Conference brought together not just leaders of countries, but leaders from different areas of ocean conservation and industry to discuss the challenges facing the ocean and the solutions to these problems. We would like to express our gratitude to Fiji and Sweden for taking the lead in making the Conference a reality.

The success of the Conference has been demonstrated by its ambitious call for action (resolution 71/312, annex) and the more than 1,400 voluntary commitments that emerged as the outcomes. My delegation would like to express our gratitude to Singapore and Portugal for facilitating the call for

action. We would also like to emphasize the need for a facilitative and transparent follow-up process and recognize the efforts being undertaken by the Secretary-General's Special Envoy for the Ocean and the United Nations Department of Economic and Social Affairs in creating the Communities of Ocean Action.

In addition to following up on existing commitments, we must also identify deficiencies and gaps in particular areas and galvanize further action. In the light of the success of the Ocean Conference, my delegation supports holding a follow-up conference and would like to assure the Assembly of our commitment to making that a reality in 2020. The SDG 14 follow-up process is an excellent opportunity to learn from each other and inspire more action through showcasing success stories. The Maldives made nine commitments, covering a number of SDG 14's targets, ranging from eliminating plastic pollution to sustainable fisheries.

The Maldives has always considered the ocean to be our most valuable resource. Our two largest industries, tourism and fishing, are highly dependent on our beautiful ocean and its bounties. Recognizing the delicate balance that needs to be struck between reaping economic benefits and conservation, the Maldives has utilized sustainable practices in these industries since they have existed, and even before SDG 14 materialized.

We are well known for our "one island, one resort" concept. Special consideration is given to ensuring that any new developments are sensitive to the natural ecosystem and that there are no long-term adverse effects. Each resort is required to protect its surrounding waters, recognizing the shared benefits for tourism that arise from conservation.

In close partnership with civil society and local communities, we are also enhancing national efforts to curb serious emerging issues, such as marine plastic pollution, which has a detrimental impact on both the environment and the tourism industry. We have also played an active role regionally in the Indian Ocean to reduce drifting fish-aggregating devices and ghost fishing gear, which is a cross-border issue that further exacerbates marine pollution in Maldivian waters.

The Maldives uses the cleanest and greenest methods of commercial fishing in the world. Our tuna is harvested entirely one by one, by pole and line and handline, which ensures that there is no by-catch. Commercial fishing within the 200 nautical miles of



our exclusive economic zone is limited to Maldivian citizens. We do not issue foreign fishing licenses, and fishing for sharks and sea turtles, as well as several other threatened or endangered species that have strong protections, is completely banned.

However, illegal, unreported and unregulated fishing from foreign fishing vessels in Maldivian waters is a significant challenge that we face and that undercuts our efforts to preserve and sustainably use our resources. As a country with vast expanses of ocean but limited resources to monitor them, we need the support and collective action of the international community to address this issue.

Earlier this year, we joined 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. We thank those States parties that have contributed, under article 21 of the Agreement, to the fund for assisting developing States in implementing the treaty. We encourage countries that have not yet ratified the Agreement to do so as soon as possible.

To address issues facing the oceans effectively, we need to have a better understanding of the nature and the extent of the issues, as well as of the ocean itself. At the moment, however, it seems that we have better maps of the moon than we do of the sea floor. That is why the Maldives welcomes the International Decade of Ocean Science for Sustainable Development, declared in this year's draft omnibus resolution (A/72/L.18). We commend the initiative of the Intergovernmental Oceanographic Commission in this endeavour and look forward to engaging constructively in the development of the implementation plan.

We would also like to express our appreciation for the focus of the eighteenth meeting of the United Nations Open-ended Informal Consultative Process of Oceans and the Law of the Sea on the effects of climate change on oceans. The discussions helped to reinvigorate the focus on this area of climate-change effects, which is a serious issue facing the Maldives and many other small island developing States and low-lying coastal nations.

This has been a record year for hurricanes in the northern hemisphere, and the increasing frequency and intensity of such storms are linked to climate change. The fury of these ocean-generated storms are a call from the ocean for us to take action to reverse the negative effects that we have caused and to do so immediately.

In heeding that call, we must take a comprehensive approach that will allow us to collectively protect areas of the ocean that are currently beyond protection. The new internationally binding instrument to conserve and sustainably use marine biodiversity in areas beyond national jurisdiction has the potential to enable us to achieve this end. We believe that it is crucial to start addressing these issues within the setting of an intergovernmental conference as soon as possible.

We have been considering the drafting of such a treaty for more than 10 years. Today, we believe that enough progress has been made to begin the formal process. We would like to thank Mexico and New Zealand for leading the consultations on the draft resolution on modalities for the conference (A/72/L.7), which we believe has the ability to deliver a fair and balanced instrument that can achieve widespread ratification.

The ocean sustains life on the planet. Yet human actions are now changing the nature of the ocean from a source for sustaining life to a potential threat to our very existence. With the power to act now, we have a duty to stop the irreversible damage that we are causing. We must ensure that the generations to come are not deprived of the rich resources that the ocean has to offer or, even worse, be faced with an inhospitable world. As I said earlier, the challenge is not confined to small island developing States. It is a challenge to the survival of the planet as we know it, and it requires shared solutions for a shared destiny.

**Mr. Rai** (Papua New Guinea): My delegation associates itself with the statements made by the representatives of Ecuador, Samoa, and the Federated States of Micronesia, on behalf of the Group of 77 and China, the Pacific Islands Forum, and the Pacific small island developing States, respectively, on the agenda item under consideration (see A/72/PV.63).

My delegation is pleased to be a sponsor of the three draft resolutions under consideration for adoption under agenda item 77 — the omnibus draft resolution on oceans and the law of the sea (A/72/L.18) and the draft resolutions on sustainable fisheries (A/72/L.12) and the modalities for an intergovernmental conference on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) (A/72/L.7). Our support is based on our strong conviction that national,

regional and international cooperation within the ambit of UNCLOS, which is the international legal framework for all activities related to the oceans and seas, is pertinent. We thank the Facilitators from South Africa and Norway for their leadership and even-handedness in carrying out this important work this year.

On the development of 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, we pay particular tribute, first, to Ambassador Carlos Duarte of the delegation of Brazil for his astute leadership and guidance in steering us to the successful conclusion in July 2017 of the work of the Preparatory Committee established by General Assembly resolution 69/292 on BBNJ. We also commend his predecessor, Ambassador Eden Charles of Trinidad and Tobago, for his worthy contributions to the process, as well as the Facilitators and the secretariat of the Division for Ocean Affairs and the Law of the Sea, who also played crucial roles. We also acknowledge and thank Mexico and New Zealand for the important facilitating roles that they have subsequently played in coordinating the draft modalities resolution. Those achievements have indeed reflected our collective efforts, in which we should all take pride.

The sponsorship of the draft resolution by nearly 70 per cent of the United Nations membership is a clear testament to the commitment of Member States to ensuring that the unacceptable status quo with regard to the tragedy of the commons, particularly the issue of marine biological diversity in areas beyond national jurisdiction, is effectively addressed for the sake of all of humankind today and for the generations to follow. It is a call for action against the business-as-usual modus operandi.

The stakes are indeed high for all of us, as was demonstrated by the political sensitivities facing us throughout the BBNJ preparatory process. The road ahead will certainly not be without its challenges. As trustees of the global commons, it is incumbent on the international community to harness this opportunity and work together to make the transformative changes necessary for the greater good of humankind. We are confident that the solid foundation that has been laid to take us forward to the next phase will guide our work to a successful outcome at the intergovernmental conference, starting next year. For these reasons,

my delegation looks forward to the adoption of draft resolution A/72/L.7 under consideration under this agenda item.

**Ms. Nakarmi (Nepal):** At the outset, I wish to commend the important draft modalities resolution entitled “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” (A/72/PV.7), as it clearly lays out modalities for the upcoming treaty conference to be held in 2018. My delegation welcomes the decision to be taken by the General Assembly to convene such an intergovernmental conference in 2018 and pledges its full support for the entire process.

My delegation aligns itself with the statements delivered by the representatives of Ecuador and Bangladesh on behalf of the Group of 77 and China and the least developed countries, respectively (see A/72/PV.63). Nepal would now like to make the following points in its national capacity.

I further wish to express my appreciation for the excellent leadership and work of Ambassador Carlos Duarte of Brazil and Ambassador Eden Charles of Trinidad and Tobago as Chairs of the Preparatory Committee for the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ), in 2017 and 2016, respectively. Our sincere thanks also go to the Facilitators, Mr. Pablo Arrocha Olabuenaga of Mexico and Ms. Kate Neilson of New Zealand, for their outstanding work during the informal consultations leading to the finalization of draft resolution A/72/L.7.

We also underscore the importance of the milestone resolution 69/292 for developing 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, which serves as a foundation for the BBNJ process. We also support other ocean-related forums that advocate for the sustainable use and governance of oceans, including the Regular Process, the Informal Consultative Process and the negotiations on oceans and the law of the sea. In this regard, we appreciate the work of South Africa and

Norway in successfully facilitating the draft omnibus resolution (A/72/L.18).

As a party to UNCLOS and as a least developed and landlocked mountainous country, Nepal attaches great importance to the treaty conference that will be addressing the package elements agreed to in 2011, namely, marine genetic resources, including questions on the sharing of benefits, area-based management tools, including marine protected areas, environmental impact assessments and capacity-building, and the transfer of marine technology.

Oceans are the source of the planet's lifeblood, as they provide us with oxygen, food, fresh water, medicines; protection for biodiversity as they shelter the wide range of marine species; and stability for transportation, international trade and tourism. Oceans are precious for all countries — large and small, developed and developing, situated near and far from the sea coast. It is our shared responsibility to care for the health of the oceans and enhance their capacity, while sustainably making use of marine resources and biodiversity and while also developing legal frameworks based on the UNCLOS and other existing legal instruments.

During the Preparatory Committee sessions, some issues were agreed on but not others. We hope to resolve them in detailed discussions at the intergovernmental conference. For landlocked developing countries such as Nepal, marine genetic resources are the common heritage of humankind. The high seas, climate change, the equitable sharing of benefits, capacity-building and transfer of technology, education and awareness-raising and protection of the environment and ecosystems through area-based management tools are all crucial topics to be discussed. Just as it did in the Preparatory Committee sessions, my delegation will be actively participating in the forthcoming intergovernmental conference.

In conclusion, my delegation reiterates its support for the draft modalities resolution and reaffirms its full cooperation in the upcoming intergovernmental process, including the Regular Process, the Informal Consultative Process and the intergovernmental conference.

**Mr. Tito** (Kiribati): At the outset, I want to join my Pacific colleagues in aligning myself with the statements delivered by the representatives of Samoa and the Federated States of Micronesia, on behalf of the Pacific Islands Forum and the Pacific small island

developing States, respectively (see A/72/PV.63). I also join other delegations in thanking the delegations of South Africa, Mexico, Norway and New Zealand for their commendable facilitation of the negotiations on these draft resolutions.

As a sponsor, my delegation is greatly honoured to address members of the General Assembly on this occasion and to express our full support for the adoption of the proposed resolutions on the ocean and the law of the sea (A/72/L.18) and sustainable fisheries (A/72/L.12).

This is the first time that Kiribati is actively participating in the deliberations on issues of this type. In fact, we regret that we were not present during the preliminary discussions and negotiations in the 1970s that led to the adoption of the United Nations Convention on the Law of the Sea (UNCLOS), but at that time Kiribati was still under colonial rule. Consequently, and unfortunately, the UNCLOS, as it exists today, has in our view done some injustice to Kiribati, since it splits the vast, time-honoured ocean of Kiribati into three distinct exclusive economic zones. It is also clear that the rule used to subdivide our ocean area into three separate zones was not the same as that used for other similar archipelagic States.

That does not mean, however, that Kiribati is any less enthusiastic about the protection of the oceans and seas for the benefit of all. In fact, we have been very active in the protection of the ocean and seas, in line with our own traditions and with conservation measures agreed on regionally and internationally, including UNCLOS. Recently, Kiribati declared the Phoenix Islands Protected Area — more than 300,000 square kilometres, representing about 11 per cent of our national exclusive economic zones — to be a protected marine area where fishing is totally banned. That is a great sacrifice for a small nation like Kiribati. The gesture may seem small, but it is a real sacrifice that means forgoing millions of dollars in needed annual fishing revenue. It is a gift to humankind, because it will contribute to the continuing replenishment of marine biodiversity for the benefit of present and future generations, whose livelihoods and development, I have no doubt, will always depend on the ocean and the sea.

With the cooperation and assistance of our regional and international partners, we have adopted and implemented many laws for the protection of our marine environment and resources, and we have always

adopted a precautionary approach to enforcing them. We have discovered that the conduct and behaviour of fishing peoples and industries — especially from distant-water fishing nations, which are generally driven by the desire to make huge profits in the short term — have become one of our greatest challenges with regard to enforcing our conservation laws for the seas and oceans. We therefore look forward to greater cooperation at the global level in combating that human greed for profit, because it is not only affecting the quality of our health, it is affecting everything else on the planet.

Kiribati is moving forward with an ambitious plan to become a big fishing nation by 2037, as part of a major leap forward to turn the islands into a wealthy, strong and self-sufficient nation in 20 years, in line with its long-term vision — Kiribati Vision 20 (KV20) — and other developmental goals set by the United Nations. Kiribati hopes that the seas and ocean around it continue to be the great friends of its people, as they have been since time immemorial.

The threat of climate change in the islands, as predicted by science, has not deterred the people of Kiribati in their determination to move ahead with their KV20 plan, in line with the Sustainable Development Goals and targets and the Istanbul Programme of Action for the Least Developed Countries for the Decade 2011-2020. Kiribati hopes that with the cooperation of the entire world, the causal factors of climate change will soon be reversed. Failing that, we have prepared one of our magical powers to invoke the powers of the spirits of the sea to tell the sea and the ocean to remain friendly to island peoples, not only of Kiribati but of all the world's islands. For that reason, we fully support the adoption of the draft resolution.

**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 a great honour for me to take the floor on behalf of the International Tribunal for the Law of the Sea at the seventy-second session of the General Assembly on the occasion of its examination of agenda item 77, on oceans and the law of the sea.

I will first report on the organizational and judicial developments related to my Tribunal that have taken place since my predecessor addressed the Assembly in December 2016 (see A/71/PV.55). I will then make a

few remarks related to perspectives on the future work of the Tribunal.

With regard to organizational matters, I wish to inform the Assembly that on 14 June the Meeting of States Parties to the United Nations Convention on the Law of the Sea elected seven judges to the Tribunal for a term of nine years. Two judges were re-elected — Judges Boualem Bouguetaia of Algeria and José Luis Jesus of Cabo Verde — and five were newly elected: Mr. Óscar Cabello Sarubbi of Paraguay, Ms. Neeru Chadha of India, Mr. Kriangsak Kittichaisaree of Thailand, Mr. Roman Kolodkin of the Russian Federation and Ms. Liesbeth Lijnzaad of the Netherlands. The new judges were sworn in in Hamburg on 2 October.

On 2 October, I was elected President of the Tribunal for a three-year term. On the same day, Judge David Attard of Malta was elected Vice-President. Judge Albert Hoffmann of South Africa was elected President of the Seabed Disputes Chamber of the Tribunal on 4 October. Concerning the Registry, on 15 March the Tribunal elected Ms. Ximena Hinrichs as Deputy Registrar of the Tribunal for a five-year term.

With respect to judicial matters, I inform the Assembly that the Special Chamber of the Tribunal formed to deal with the *Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire)*, delivered its Judgment on 23 September. In that Judgment, the Special Chamber delimited the maritime boundary between the two parties in the territorial sea, the exclusive economic zone and the continental shelf, both within and beyond 200 nautical miles. In addition, the Chamber dealt with Côte d'Ivoire's claim that the responsibility of Ghana was engaged for alleged violations of the rights of Côte d'Ivoire.

The first question that the Special Chamber had to examine was whether the parties had already effected by agreement the course of their maritime boundary. After examining the arguments and facts presented by the parties, the Special Chamber found that there was no tacit agreement between the parties to delimit their maritime zones. In that connection, the Special Chamber emphasized that oil practice, no matter how consistent it may be, cannot in itself establish the existence of a tacit agreement on a maritime boundary. The Special Chamber also expressed the view that evidence relating solely to the specific purpose of oil activities in the seabed and subsoil is of limited value



in proving the existence of an all-purpose boundary that delimits not only the seabed and subsoil, but also superjacent water columns.

Regarding the delimitation methodology, the Special Chamber found no convincing reason to deviate from the equidistance/relevant circumstance methodology in this case. The Special Chamber noted that the relevant coasts of the parties are straight and not unstable, and therefore it saw no reason to assume that the identification of base points and the drawing of a provisional equidistance line would be impossible or inappropriate. After having established the provisional equidistance line, the Special Chamber examined whether relevant circumstances requiring an adjustment of that line exist, and came to a negative conclusion.

Regarding a possible cut-off resulting from the equidistance line, owing to the concavity of the coast line, the Special Chamber held that some cut-off effect exists but that that effect is not so significant as to require an adjustment of the line.

With respect to the question as to whether the location of maritime mineral resources should be considered a relevant circumstance, the Special Chamber emphasized that maritime delimitation is not a means for distributing justice, and that in principle the pertinent international jurisprudence favours maritime delimitation based on geographical considerations.

Regarding the delimitation of the continental shelf beyond 200 nautical miles, the Special Chamber applied the same delimitation methodology as within 200 nautical miles, thereby following the Judgment of the Tribunal in the case *Delimitation of the maritime boundary in the Bay of Bengal (Bangladesh/Myanmar)*, which was the first decision of an international court or tribunal delimiting the continental shelf beyond 200 nautical miles.

After having delimited the maritime boundary between the parties, the Special Chamber had to deal with Côte d'Ivoire's claim relating to Ghana's international responsibility. The Special Chamber came to the conclusion that none of Ghana's activities engaged its international responsibility.

The Assembly may recall that in this case, Ghana had initially instituted arbitration proceedings against Côte d'Ivoire under annex VII to the Convention. Subsequently, the parties agreed that the case should instead be dealt with by a Special Chamber of the

Tribunal composed of five judges. That was only the second time that parties agreed to submit their case to a Special Chamber. Nonetheless, the procedure before a Special Chamber may be an option for States when they consider the various possibilities available to them for the settlement of their disputes. The Statute of the Tribunal provides that such a special chamber shall be formed if the parties to the dispute so request.

It is noteworthy that the Statute allows for considerable involvement of the parties in the selection of the members of a Special Chamber. Although the composition of such a chamber is ultimately to be determined by the Tribunal, the Statute explicitly requires that that has to be done with the approval of the parties. Furthermore, the parties have the right to choose judges ad hoc to serve as members of the special chamber if the Tribunal does not include members of their nationality on the bench.

I may add that the proceedings before a Special Chamber follow the Tribunal's rules of procedure, which, having evolved over the years in the Tribunal's practice, offer a stable and predictable basis for the conduct of proceedings. A judgment given by a special chamber is considered as having been rendered by the Tribunal and therefore has the same binding force as judgments of the Tribunal. Moreover, Special Chambers and the parties before them profit from the support and facilities of the Tribunal's Registry.

Let me also highlight the fact that immediately after the Special Chamber handed down its judgment in the *Ghana/Côte d'Ivoire* case, the parties' representatives issued a joint communiqué in which they reiterated their mutual commitment to abiding by the terms of the judgment and fully collaborating on its implementation. The joint communiqué also affirmed the parties' strong will to work together to strengthen and intensify their brotherly relations of cooperation and good neighbourliness.

There is another case currently pending in the docket of the Tribunal, namely, the *M/V "Norstar" case (Panama v. Italy)*. The Assembly may recall that this case, which was instituted before the Tribunal on 17 December 2015, concerns the arrest and detention of the *M/V "Norstar"*, an oil tanker flying the flag of Panama. Currently, written proceedings on the merits of the case are being conducted, and oral proceedings are planned to be held in the autumn of 2018.

Let me now offer a few remarks with regard to perspectives concerning the future work of the Tribunal. I would like to make three points in that regard.

My first relates to maritime boundary delimitation. The Tribunal has handled two major cases concerning the delimitation of maritime zones: the *Delimitation of the maritime boundary in the Bay of Bengal (Bangladesh/Myanmar)* and the *Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire)*, on which I just reported to the Assembly. Both judgments demonstrate that the Tribunal sees its role as being part of a community of international courts and tribunals and that it takes into account the existing jurisprudence. The Tribunal therefore offers a fair degree of predictability to the parties to maritime delimitation cases.

At the same time, the Tribunal and the Special Chamber, in their respective judgments, made important new contributions to the development of international jurisprudence on maritime delimitation. For instance, that was the case when, as I mentioned before, the Tribunal in the *Bay of Bengal* case, for the first time in the history of international adjudication, proceeded to delimit the continental shelf beyond 200 nautical miles. The Special Chamber in the case between Ghana and Côte d'Ivoire also provided clarification with regard to legal questions that had so far received only limited attention in international jurisprudence, such as the interpretation of article 83, paragraph 3, of the Convention.

In sum, one can safely say that the Tribunal has demonstrated its capacity to deal with complex maritime delimitation cases. It presents itself as an efficient dispute settlement mechanism to which States may wish to turn with their delimitation disputes in the future.

My second point relates to another area of law in which the Tribunal has had the opportunity to show its expertise, namely, in cases relating to the arrest and detention of vessels.

Such disputes may come to the Tribunal in various forms. The most obvious is the prompt-release procedure pursuant to article 292 of the Convention. In such cases, the Tribunal determines the reasonable amount of bond or other financial security upon the posting of which the vessel and/or crew have to be released. That procedure, which is an urgent procedure, offers an efficient

remedy for flag States and ship owners. The arrest of a vessel and/or crew has also given rise to requests for the Tribunal to prescribe provisional measures pursuant to article 290 of the Convention. Furthermore, questions arising from the arrest of vessels have also been brought before the Tribunal in cases on the merits, mainly in connection with claims for damages resulting from allegedly illegal arrests and detentions.

In sum, one can say that the Tribunal offers a variety of procedures in cases dealing with the arrest and detention of vessels and crews. I am convinced that States parties will continue to have recourse to those procedures in the future.

Let me now turn to the third point that I wish to make. It relates to new issues that might be submitted for dispute settlement before the Tribunal. In that connection, the international community is watching with great interest and anticipation the current negotiations taking place, at the initiative of the General Assembly, concerning the development of 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. Of course it is too early to say what the exact contents of that instrument will be. It may be anticipated, however, that dispute settlement provisions will be an important element of such an instrument in order to maintain its consistent and efficient interpretation and application. In that context, it is useful to mention that new legal issues that emerge in the international law of the sea can be addressed by the Tribunal not only in the context of its contentious jurisdiction, but also through its advisory function. Advisory opinions can be requested from the Tribunal's Seabed Disputes Chamber, as well as the full Tribunal. Both possibilities have been made use of in the past.

In any case, I want to underline that the Tribunal stands ready to deal with any further tasks with which States parties to the Convention wish to entrust it in the future. The Tribunal is well placed for such work, since it is one of the main forums for the adjudication of disputes concerning the interpretation and application of the Convention. It has more than 20 years of experience in the settlement of disputes under the Convention.

As the Assembly is aware, the Tribunal is conducting activities to enhance knowledge of its role and activities in the settlement of maritime disputes.

Before I conclude, I would like to take this opportunity to give a brief overview of those activities.

In 2017, the Tribunal held another regional workshop on the settlement of disputes related to the law of the sea, this time in the Central American and Caribbean regions. The event, which took place in San José, Costa Rica was the twelfth in a series of workshops held in different regions of the world to provide national experts with practical information on the dispute settlement procedures available before the Tribunal. Representatives of 11 States attended the San José workshop. It was organized in cooperation with the Ministry for Foreign Affairs and Worship of Costa Rica and with the financial support of the Korea Maritime Institute, to which I reiterate our sincere gratitude.

Every year, the Tribunal provides some 15 internships of a duration of three months to university students. In the 20 years of its existence, the programme has given 338 interns from 95 States the opportunity to acquire experience in the work of the Tribunal. I am glad to note that the Tribunal's internship programme is able to support interns from developing countries through a trust fund set up by the Tribunal. Several grants have been made to the fund over the years by, among other institutions, the China Institute of International Studies, the Korea International Cooperation Agency and the Korea Maritime Institute. I am very grateful to those organizations for their support.

Since 2007, the Tribunal has also been conducting the Nippon Programme, a nine-month capacity-building and training programme in international dispute settlement under the law of the sea. Seven fellows are participating in the current, eleventh, cycle of the Programme. To date, 72 fellows from 59 States have had the opportunity to participate in the Programme, which since its establishment has been organized with the financial support of the Nippon Foundation of Japan. I would like to take this opportunity to express my sincere gratitude to the Nippon Foundation for its commitment to the Programme.

I should not conclude without adding that the Tribunal benefits greatly from excellent cooperation with the United Nations. In that respect, I wish to express our gratitude to the Secretary-General, the Legal Counsel and the Director of the Division for Ocean Affairs and the Law of the Sea for their support and cooperation.

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

**Mr. Lodge** (International Seabed Authority): In 1970, the General Assembly had the foresight to set aside the seabed and ocean floor beyond national jurisdiction as the common heritage of mankind. Since 1994, when the United Nations Convention on the Law of the Sea entered into force, this Area has been managed through the International Seabed Authority for the benefit of mankind as a whole so as to promote the economic and social advancement of all peoples of the world.

I am pleased to see that the draft resolution on oceans and the law of the sea (A/72/L.18) reaffirms the important work of the Authority under the framework of the Convention.

During 2017, the first year of my tenure as Secretary-General, I have devoted much effort to improving the internal management and performance of the secretariat, as well as to enhancing the ways in which the Authority communicates with member States and other stakeholders. The Authority has also tried throughout the year to participate meaningfully in major conferences held at the United Nations, including the meetings of the Preparatory Committee established by resolution 69/292, the twenty-seventh Meeting of States Parties to the Convention, and the United Nations Ocean Conference. I am grateful to States parties for their support for the work of the Authority and their interest in that work.

The comprehensive legal regime set out in part XI of the Convention provides an ideal platform for the Authority to make an important contribution to the implementation of Sustainable Development Goal 14. To that end, the Authority has registered seven voluntary commitments, with a special emphasis on supporting small island developing States, landlocked developing countries and African States, in order to build capacity, promote marine scientific research in the Area and encourage gender-based approaches to deep ocean sciences.

Since one of the core aspects of the Authority's mandate is to promote, encourage and coordinate marine scientific research in the Area, I am pleased to see that section XI of the draft resolution calls for more support for the Authority's Endowment Fund for marine research in the area. To date, that Fund has contributed to the training of 83 scientists from 43

different developing countries, including consistent support for the Rhodes Academy of Oceans Law and Policy over the past six years.

Moreover, in view of the critical importance of marine science in the framework of the Convention, the Authority has lent its full support to the Intergovernmental Oceanographic Commission (IOC) initiative relating to the proclamation of an International Decade of Ocean Science for Sustainable Development from 2021. The Authority, as a committed participant in UN-Oceans, will collaborate with the IOC and other partner organizations in ensuring successful deliverables from the Decade.

I will make brief comments on some of the salient aspects reflected in the draft resolution, particularly those concerning the Area and the effective functioning of the Authority.

As recognized in paragraph 64 of the draft resolution, one of the Authority's priorities is adopting regulations for the exploitation of marine mineral resources. That is critical, because the Authority's Council has granted extensions to the exploration contracts held for many years by the former pioneer investors on the basis that they will be in a position to proceed to exploitation when those extensions expire. That will not be possible without exploitation regulations that are commercially viable but that at the same time set the highest standards for protection of the marine environment.

I encourage States parties to provide comments on the draft regulations by 20 December, according to the road map agreed on by the Council, since their full participation is critical to the success of the process. I also intend to offer a series of open briefings for the regional groups here in the United Nations Headquarters in January 2018 with a view to facilitating more inclusive discussions in the Council when it meets next March.

An equally high priority, highlighted in paragraph 71 of the draft resolution, is for the Authority to make rapid progress on developing regional environmental management plans, especially in regions where there is active mineral exploration. The secretariat is currently reaching out to potential partners to help facilitate a series of scientific and technical workshops in 2018 focusing on key mineral provinces of interest for exploration.

Thirdly, the draft resolution welcomes the recent periodic review of the Authority pursuant to article 154 of the Convention and references the Assembly's request to see a draft strategic plan for the organization in 2018. I intend to consult on this matter in the coming months, and it is my hope that States parties will take ownership of that plan by articulating a long-term vision for the Authority.

The draft resolution rightly notes serious concerns around low attendance at annual sessions of the Assembly. To address that problem, I am grateful that States parties had endorsed a revised schedule of meetings for 2018 and 2019 to include two meetings of the Council in each year. The revised schedule also recognizes the pre-eminence of the Assembly as the supreme organ of the Authority, and I encourage all States parties to attend and participate in that meeting. I am also pleased to announce that the new voluntary trust fund to defray the costs of participation of members of the Council from developing States is now established, and I encourage contributions to be made to this Fund by States parties and others.

It is imperative for the effective functioning of the Authority that States parties pay their assessed contributions on time and in full. Despite some encouraging recent developments, with the payment in full by some member States that were considerably in arrears, I very much regret to say that 41 remain in arrears and facing suspension of their voting rights under article 184 of the Convention. I urge States parties to renew their efforts to pay their arrears of contributions, as the present situation has an impact both on the effective delivery of work by the Authority and on States' ability to exercise their membership rights.

In the light of the Authority's fundamental role in collecting and sharing data and information on the deep seabed, I welcome the references in paragraphs 70 and 284 of the draft resolution to the value of the cooperation between the Authority and other relevant organizations under the umbrella of the GEBCO Seabed 2030 Project.

I am particularly grateful for the reference in paragraph 81 to the need for coastal States to deposit with the Secretary-General of the Authority a copy of the charts or lists of geographical coordinates showing the outer limit lines of the continental shelf, as provided for in article 84, paragraph 2 of the Convention. This is an essential part of the process of defining the boundary between national jurisdiction and the Area



and of assuring certainty in the administration of the Convention. It is a matter of concern that as of today, only seven States parties have fulfilled their obligation in that respect.

Finally, I wish to express my most sincere gratitude to the Government of Jamaica for its consistent support to the Authority and its consistent commitment to fulfilling its obligations as our host country.

**The Acting President:** We have heard the last speaker in the debate on agenda item 77, sub-items (a) and (b).

Before proceeding further, I should like to remind members that action on draft resolution A/72/L.7 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 made available.

The Assembly will now take decisions on draft resolutions A/72/L.12 and A/72/L.18.

We turn first to draft resolution A/72/L.12, entitled “Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments”.

I give the floor to the representative of the Secretariat.

**Mr. 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/72/L.12, the following countries have become sponsors of the draft resolution: Australia, the Bahamas, Belgium, Belize, Bulgaria, Croatia, the Czech Republic, Denmark, Fiji, Finland, France, Greece, Indonesia, Ireland, Jamaica, Kiribati, Latvia, Luxembourg, the Maldives, Marshall Islands, Monaco, Morocco, Nauru, the Netherlands, Palau, Panama, Papua New Guinea, Poland, Romania, Samoa, South Africa, Trinidad and Tobago and Ukraine.

**The Acting President:** A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kiribati, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Viet Nam

*Against:*

United States of America

*Abstaining:*

El Salvador, Turkey, Venezuela (Bolivarian Republic of)

*Draft resolution A/72/L.12 was adopted by 126 votes to 1, with 3 abstentions (resolution 72/72).*

**The Acting President:** We now turn to draft resolution A/72/L.18, entitled “Oceans and the law of the sea”.

I give the floor to the representative of the Secretariat.

**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/72/L.18, the following countries have also become sponsors of the draft resolution: Algeria, Belgium, Bulgaria, Cameroon, Fiji, France, Greece, Hungary, Iceland, Indonesia, Jamaica, Latvia, the Maldives, Mexico, Morocco, Palau, Samoa, Singapore, Somalia, Sri Lanka, Sweden, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland and the United States.

**The Acting President:** A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kiribati, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nauru, Nepal, Netherlands, 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 Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, 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/72/L.18 was adopted by 128 votes to 1, with 3 abstentions (resolution 72/73).*

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

**Mrs. Özkan (Turkey):** Turkey voted against resolution 72/73, entitled "Oceans and the law of the sea" under sub-item (a) of agenda item 77. Turkey agrees with the general content of the resolution in principle and believes that the resolution is particularly important, since 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. Turkey therefore appreciates the efforts of the Facilitators, 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 vote on the resolution. Turkey is not party to UNCLOS and is of the opinion that UNCLOS is neither universal nor has a unified character. We also believe that it is not the only legal framework regulating 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 ensure that all non-parties can come on board in future negotiations. For its part, Turkey is ready to engage constructively with all parties to achieve consensus. Until then, the UNCLOS language in this 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 being a party to UNCLOS remain valid. Turkey supports international efforts to establish a regime of the sea that is based on the principle of equity and is acceptable

to all States. However, in our opinion, the Convention does not provide sufficient safeguards for special geographical situations and, as a consequence, does not take into consideration conflicting interests and sensitivities resulting from special circumstances. Furthermore, the Convention does not allow States to register reservations to its articles. Although we agree with the Convention in its general intent, and with most of its provisions, we are unable to become a party to it due to those prominent shortcomings.

Turkey abstained in the vote on resolution 72/72, on sustainable fisheries, under sub-item (b) of agenda item 77. 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. With that understanding, in the past we have joined the consensus on the resolution. Turkey is not a party to UNCLOS and is of the opinion that it is not the only legal framework that regulates all activities in the oceans and seas. Owing to the references made to UNCLOS in this resolution to this effect, we could not vote in favour of the resolution.

**Mr. Celarie Landaverde** (El Salvador) (*spoke in Spanish*): The Republic of El Salvador is aware of the importance of the oceans, particularly their use in the context of sustainable development, which is essential to ensuring food security for all human beings on the planet in an orderly fashion. However, we understand that loopholes still exist in areas such as sustainable fishing, transport and the conservation and sustainable use of marine biological diversity, among others. These are areas in which the international community has made important progress but where there is still a long way to go.

As El Salvador is not a State party to the United Nations Convention on the Law of the Sea (UNCLOS), we believe that the agreements, provisions and resolutions agreed on between States or that emanate from the General Assembly should take into account the norms of general international law, in particular the principle that these provisions, agreements or resolutions should not create obligations for non-State parties without their consent, except when States expressly recognize them. Moreover, it is our position that various administrative aspects expressed in today's debate could be discussed more pertinently at the Meeting of States Parties to the United Nations Convention on the Law of the Sea and not within the context of the General Assembly.

El Salvador invites all States to continue working on the issues of the exploitation, conservation and protection of the oceans and seas, with a view to ensuring a high quality of life for future generations. That can be achieved with the cooperation of every country in the world — whether bilaterally, regionally or universally — and will help us to strengthen international peace and security and friendly relations between all nations in accordance with the principles of justice and equal rights, as well as the purposes and principles of the Charter of the United Nations.

For that reason, we stress the integrity of the 2030 Agenda for Sustainable Development and the indivisibility of its objectives and goals, particularly those in this area — Sustainable Development Goals 13 and 14 — both of which must be implemented in a cross-cutting way by all countries if we are to leave no one behind. The general issue of the oceans and seas should also be the first phase of work on a topic of true importance to the international community — the living and non-living resources on the seabed, which are part of the common heritage of humankind. All benefits resulting from their use should be distributed in a truly just and equitable way, benefiting all countries of the world, particularly developing countries.

Finally, we hope in future to be able to count on flexibility on the part of all delegations in order to ensure that this resolution truly responds to the interests of all Member States, thereby leading to its adoption by consensus.

**Ms. Engelbrecht Schadtler** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): I would like to make a statement on resolutions 72/72 and 72/73, which have just been adopted.

We thank the representative of Norway, Mr. Andreas Kravik, for facilitating the negotiation process on the text of resolution 72/72, 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”, to which we are referring in this explanation of vote after its adoption.

The Bolivarian Republic of 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. Our country is also party to a number of international instruments that advocate for the preservation and organization of fisheries.

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 governing all activities carried out in the oceans and seas, given that there are other international instruments in the field which, alongside UNCLOS, make up the body of law known as the law of the sea. In this regard, our country has repeatedly and consistently objected to the possibility of the Convention being invoked as a conventional or international customary law. On numerous occasions, the Venezuelan delegation has stated that, in its view, UNCLOS does not enjoy universal participation, unlike many other multilateral instruments.

Likewise, Venezuela is not a 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 Migratory Fish Stocks, nor are the norms of that international instrument applicable to it under international customary law, except for those that the Bolivarian Republic of Venezuela may expressly recognize in future by incorporating them into its domestic legislation. That is because the reasons preventing us from ratifying these instruments, and UNCLOS in particular, remain the same.

Although our country is not party to the Sustainable Fisheries Agreement of 1995, the aquaculture and fisheries sector is a priority in our national development plans as set forth in the country's 2013-2019 programme, which includes the goals of promoting fisheries development through modernizing our fleets and our maritime and river fisheries infrastructure. This 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, focusing on biological and economic aspects, food security and relevant social, cultural, environmental and commercial issues, among other things.

Venezuelan law on fisheries prohibits bottom trawling and establishes a sanctions regime for the failure to respect conservation and management measures, including oversight measures for those national vessels that engage in fisheries activities, as well an inspection and monitoring system for operations on the high seas, which submits the relevant information to the body tasked with fisheries management, which enables us to know in which exact 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.

Venezuela has expressed reservations on the content of the resolution on oceans and the law of the sea because it is not a State party to UNCLOS 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 those reasons, the Bolivarian Republic of Venezuela abstained in the voting on resolution 72/72.

Our delegation would now like to address resolution 72/73 on sub-item (a) of agenda item 77 on "Oceans and the law of the sea", which was submitted for the consideration of the General Assembly. In this regard, we extend our thanks to the representative of South Africa, Mr. Thembile Joyini, for facilitating the negotiation process on the text of this resolution, leading it in a constructive spirit that enabled a diversity of positions to be heard during consultations. We also thank the Director of the Division of Ocean Affairs and the Law of the Sea, Ms. Gabriele Goettsche-Wanli and her team.

As we pointed out, Venezuela is not a signatory to UNCLOS 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, because their norms are not applicable either as conventional law nor as international customary law, except those that the Venezuelan State has expressly recognized or may recognize in the future by incorporating them into its domestic legislation, because the reasons preventing Venezuela from becoming a party to those instruments still exist.



The Venezuelan delegation reiterates its view that unlike many other multilateral instruments, UNCLOS does not enjoy universal participation. In this regard, it has been our stated position in numerous international forums that UNCLOS should not be considered as the only legal framework governing all activities carried out in the seas and oceans, as there are other international instruments on the subject that, alongside the Convention, make up a body of law, the so-called law of the sea, including, among others, 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 topic of oceans and the law of the sea is a priority in Venezuela's policies, broadly reflected in our domestic legislation and in the country's programme for the period from 2013 to 2019. We have complied with our international obligations under the law of the sea and advocated for its integral development from a standpoint of equity, stressing the fact that all negotiations on it 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 therefore cooperated with efforts aimed at promoting coordination on issues linked to oceans and the law of the sea, in accordance with international law, and has also participated constructively in all consultations in this area.

During the negotiations, Venezuela once again tried to find a way to achieve consensus on that important resolution, in the belief that only a very few elements stand in the way of that happening. However, various positions rendered that impossible. Venezuela's view of UNCLOS is, on the whole, constructive and proactive. We are therefore hopeful that solutions in the form of text can be found on which all the participants can agree, introducing a more appropriate balance in the outcome of the discussions on the Convention, and the value that it has to regulate all human activities in the seas and oceans, alongside other relevant binding international instruments in this field. My delegation will continue to work constructively and more actively with other delegations to achieve this objective.

As we mentioned earlier, although resolution 72/73 has some positive aspects, we would caution that the text also contains elements that caused Venezuela in the past to express reservations about the outcome document (resolution 66/288) of the 2012 United Nations Conference on Sustainable Development and about target 14.c under Sustainable Development Goal 14 of 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 has affected the development of a regime that should be addressing the most important contemporary issues related to the oceans and seas in a balanced, equitable and inclusive manner.

For all of these reasons, Venezuela abstained in the voting on resolution 72/73.

**Mr. Fernández Valoni** (Argentina) (*spoke in Spanish*): Argentina voted in favour of resolution 72/72, on sustainable fisheries. However, we want to reiterate once again that none of the recommendations in this resolution should be interpreted in such a way 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 could be considered to be obligations for those States that have not expressly manifested their consent to being bound by that agreement. The resolution we have just adopted contains paragraphs on the implementation of the recommendations of the Review Conference for the 1995 Agreement. Argentina reiterates that those recommendations cannot be considered as enforceable, even as recommendations for States that are not parties to the Agreement.

Argentina also wishes to state that existing international law does not empower regional fisheries organizations or their Member States to adopt measures of any kind against vessels whose flag States are not a member of those organizations or arrangements, or have not explicitly consented to such measures being applicable to vessels flying their flags. Nothing in the General Assembly resolutions, including those we have just approved, can be interpreted as running contrary to that conclusion.

I should once again like to recall that the implementation of conservation measures, scientific research or any other activity recommended in the General Assembly resolutions — in particular resolution 61/105 and its subsequent resolutions — have as an unquestionable legal framework the current international law of the sea, as reflected in the Convention on the Law of the Sea, including paragraph 3 of article 77, which must be strictly adhered to. Compliance with those resolutions cannot be used as an alleged justification for ignoring or denying the rights established in the Convention. There is nothing in the General Assembly resolutions that affects the sovereign rights of coastal States over their continental shelves or the exercise of jurisdiction over their continental shelves under international law.

Paragraph 180 of resolution 72/72, which 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 181 recognizes the adoption of measures by coastal States — including Argentina — regarding the impact of bottom fishing on vulnerable marine ecosystems across their continental shelves, in addition to efforts to ensure that those measures are implemented.

**Mr. Cuellar Torres** (Colombia) (*spoke in Spanish*): The delegation of Colombia would like to begin respectfully by expressing its sincere gratitude to Mr. Andreas Kravik of Norway and Mr. Thembile Joyini of South Africa for their tireless efforts as Facilitators of the negotiations on the draft resolutions on sustainable fisheries and on oceans and the law of the sea, respectively. Both conducted the discussions with dignity, transparency and a constructive spirit, as reflected in the texts that we have adopted today.

Colombia is a nation with two coastlines, on both the Atlantic and Pacific Oceans, whose bio-geographical conditions provide a wide range of diversity in its marine and coastal ecosystems. The health of those ecosystems depends not only on coherent and responsible national management, but also on the other countries that have an impact on the oceans. As a very diverse country, Colombia is committed to the conservation, protection and sustainable development of those ecosystems, through the implementation of policies, plans and programmes that attest to the national, regional and global importance of the issue. In addition, the country has solid institutions for marine and coastal issues,

guided by a comprehensive vision where the sea and the coast, as well as their resources, become fundamental elements of the country's actions.

It is for that reason that Colombia recognizes the valuable contributions of the resolutions on oceans and the law of the sea and on sustainable fisheries. The constructive spirit that guides Colombia in its need to guarantee sustainable fisheries is based on the firm belief that all nations have a commitment to protect the sea and its resources, on which, to a large extent, the world's sustainable future depends. Colombia therefore reaffirms its commitment to the development and sustainable management of its fisheries resources in order to build not only a sustainable country, but also sustainable fisheries at a global level, thereby guaranteeing access to fishing resources for future generations.

It is by complying with those commitments that Colombia has supported resolution 72/72, on sustainable fisheries, with determination, joining the consensus for its adoption in previous years and voting in favour of it in this session. However, Colombia notes that both resolutions — on oceans and the law of the sea and on sustainable fisheries — contain wording that the Colombian Government does not share with regard to the United Nations Convention on the Law of the Sea (UNCLOS), such as the statement that this Convention is the only normative framework that regulates the activities carried out in the oceans.

Colombia carries out its activities in the marine environment in strict adherence to the various international commitments that it has expressly adopted or accepted. It is for that reason that Colombia takes this opportunity to reiterate that it has not ratified UNCLOS, which is why its provisions are neither enforceable nor opposable, except those that Colombia has expressly accepted. Colombia therefore understands that today's resolution and our participation in its adoption process cannot be considered or interpreted in a manner that implies the express or tacit acceptance by the Colombian State of the provisions contained in UNCLOS.

The constructive spirit that guides our country on the issues of oceans and the law of the sea is based on the firm belief that all nations have a commitment to the protection of the sea and its resources and that the sustainable future of the world largely depends on that fact. Colombia is prepared to work in cooperation with

other nations to confront the challenges of maintaining the health of the oceans.

For these reasons, Colombia expresses its reservations about any mention of the Convention in the relevant resolutions and reiterates that it does not consider itself bound by its content.

**Mr. Claycomb** (United States of America): The United States called for a vote on resolution 72/72, on sustainable fisheries, for the reasons we stated during the debate on this agenda item. As we stated, we strongly oppose paragraphs 119 and 120, on the World Trade Organization. It was with great regret that we called for a vote because of those objectionable paragraphs. We hasten to add that we continue to support the rest of the sustainable fisheries resolution, which provides critically important policy guidance to Member States on sustainable-fisheries management.

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

I give the floor to the observer of the European Union to make a statement following the adoption of resolution 72/72.

**Mrs. Cujo** (European Union): The European Union and its member States deeply regret that, despite all efforts undertaken during consultations and while understanding that the outcome of the consultations was consensual, today we have had to vote on resolution 72/72, on sustainable fisheries. It was long a consensus resolution, and we hope that in future we will be able to avoid having a vote on it and again adopt it by consensus.

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of sub-items (a) and (b) of agenda item 77?

*It was so decided.*

**The Acting President:** The Assembly has thus concluded this stage of its consideration of agenda item 77 as a whole.

*The meeting rose at 6.25 p.m.*