



General Assembly

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76th plenary meeting

Tuesday, 6 December 2011, 3 p.m.
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Official Records

President: Mr. Al-Nasser (Qatar)

In the absence of the President, Mr. Cancela (Uruguay), Vice-President, took the Chair.

The meeting was called to order at 3.15 p.m.

Agenda item 76 (continued)

(a) Oceans and the law of the sea

Reports of the Secretary-General (A/66/70 and Add.1 and Add.2)

Recommendations of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction and Co-Chairs' summary of discussions (A/66/119)

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its twelfth meeting (A/66/186)

Report on the work of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-economic Aspects (A/66/189)

Draft resolution (A/66/L.21)

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

Report of the Secretary-General (A/66/307)

Draft resolution (A/66/L.22)

Mr. Khan (Indonesia): Allow me, at the outset, to express our gratitude to the Secretary-General for his comprehensive reports on ocean affairs and the law of the sea, contained in documents A/66/70 and its addenda. We also wish to thank the Division for Ocean Affairs and the Law of the Sea, as well as the Secretariat, for their valuable support in the consideration of issues related to the law of the sea during this session.

Indonesia continues to participate actively in the consideration of issues related to the law of the sea, because that law provides the regulatory framework for the growing number of human activities in the marine environment and thereby affects the political, strategic, economic and other important interests of States. The law of the sea is also one of the oldest parts of the law of nations, having developed through the practice of States over the centuries. It was carefully crafted when the international community adopted the United Nations Convention on the Law of the Sea in 1982.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506. Corrections will be issued after the end of the session in a consolidated corrigendum.



With regard to navigation and maritime security, I would like to reiterate Indonesia's commitment to suppressing armed robbery and piracy on the high seas adjacent to waters under our national jurisdiction. Indonesia and littoral States cooperate in continuing to work on that concern in the Straits of Malacca and Singapore. We are pleased at the progress that we have made so far, as incidents have continued to decrease.

I now turn to the situation off the coast of Somalia, with particular reference to Security Council resolutions that address the issue of armed robbery and piracy in that area. We have always believed that the authorization that those resolutions provide does not infringe on rights, obligations or responsibilities under international law, including rights and obligations under the Convention on the Law of the Sea. In that regard, that authorization is not considered as establishing customary international law.

However, Indonesia remains concerned about the threat that piracy poses to international navigation, security and the economic development of States in the Gulf of Guinea. It is our hope that the full authority of Security Council resolution 2018 (2011) can be brought to bear on the maritime insecurity in that region.

This year, we had an opportunity, during the informal consultation process preceding this meeting, to discuss quite extensively the issue of marine biodiversity in areas beyond national jurisdiction. Those deliberations have helped us to better comprehend the responsibilities of States seeking to generate economic benefits from the ocean and to fully understand the legal implications of exploring living resources of areas beyond national jurisdiction.

We are pleased that we were able to chart a realistic course of action in that regard during the informal consultative process. Although we still confront the proper applicability of the existing legal framework, we should emphasize the integrity of the 1982 Convention so that any new legal regime draws on its basic norms. Only through that process can we strengthen the integrity of the Convention.

The devastating impact of oil spills from offshore exploration and exploitation activities that damage the marine environment and the ecosystem in coastal States is of great concern to us, because such occurrences inflict a great setback on the socio-economic development activities and prospects

of those States. Indonesia is of the view that it would be prudent to see such incidents as a wake-up call to strengthen the international regulatory regime so that it will be able to respond adequately to similar events in the future. While a comprehensive regime covering the prevention, liability and compensation issues of oil pollution damage from ships has already been developed by the International Maritime Organization, no existing instrument covers pollution damage from offshore exploitation and exploration activities.

In our view, learning from such incidents, it would certainly be timely for the international community to consider how best to address the legal lacunas of liability and compensation issues connected with transboundary pollution resulting from offshore exploitation and exploration activities. In that regard, the Convention on the Law of the Sea has established, in particular, general terms of commitment to advocate international rules, regulations and procedures to prevent, reduce and control pollution from such activities in areas beyond national jurisdiction.

Moreover, States have the obligation to cooperate in developing international law relating to responsibility and liability for marine pollution cases. Reflecting on the context of international accountability, however, we note that, to date, there are still no international regulations or instruments dedicated specifically to dealing with issues involved in transboundary offshore oil spills. Indonesia believes, therefore, that there is a compelling need to establish an international regime to address issues of liability and compensation for transboundary pollution and damage resulting from offshore exploration and exploitation activities.

With regard to fisheries, we acknowledge the importance of establishing integrated ocean management to ensure the long-term use and sustainable development of the sector. The application of ecosystem and precautionary approaches to ocean management will strengthen the fulfilment of that objective.

Let me turn to the issue of illegal, unreported and unregulated (IUU) fishing and the impediment to the sustainable management of fisheries that such illegal activities cause. As States seek ways of making a greater impact in addressing those issues, Indonesia reiterates that the current responses are inadequate,

especially as most of the measures being taken are voluntary.

It is important to pay close attention to the transnational nature of IUU fishing, which presents an unprecedented challenge to conventional methods for managing sustainable fisheries. In that connection, it is the view of Indonesia that the study on transnational organized crime in the fishing industry, which was conducted by the United Nations Office on Drugs and Crime, is an important and helpful contribution to this discussion.

Lastly, with regard to consultations, we wish to underline the importance and value of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea for discussions of ocean affairs within the United Nations system.

Before concluding, I would like to take this opportunity to thank the coordinators of the draft resolutions on the oceans and the law of the sea and on sustainable fisheries (A/66/L.21 and A/66/L.22), Ambassador Henrique Valle of Brazil and Ms. Holly Koehler of the United States, for their able leadership and excellent contribution to the work on the two texts before us today.

Ms. Kok Li Peng (Singapore): My delegation is pleased to address the General Assembly on agenda item 76, "Oceans and the law of the sea". I join my friend from Indonesia, Mr. Yusra Khan, in thanking the Secretary-General for the comprehensive reports contained in document A/66/70 and its two addenda. We also thank the coordinators of the two draft resolutions before us today (A/66/L.21 and A/66/L.22), Ambassador Henrique Valle of Brazil and Ms. Holly Koehler of the United States. We record our appreciation to the Director and staff of the Division for Ocean Affairs and the Law of the Sea for their assistance in supporting delegations' work on those drafts.

Singapore's long-standing commitment to the law of the sea is well known. We are a small island State with significant maritime interests. We are also one of the three littoral States of the Straits of Malacca and Singapore. The Straits are Singapore's economic lifeline. But the Straits are also a major international shipping route of long-standing importance. Roughly 90 per cent of global trade is carried by sea, and about half of that passes through the Straits of Malacca and Singapore. It is therefore in the interest of all States

that we continue to preserve the freedom of navigation and passage rights through these and other waters, as guaranteed under the United Nations Convention on the Law of the Sea.

There is no better safeguard of the world's maritime and marine interests than the Convention. It is a testament to the Convention's fine balance of those often-competing interests that it remains the "constitution of the oceans" nearly 30 years after its adoption. My delegation welcomes the two new ratifications of the Convention during the period under review, bringing the total number of parties to 162. For the most part, the Convention already reflects customary international law. However, we encourage the minority of Member States that are not yet parties to give serious consideration to accession so that the Convention will achieve universal membership.

New challenges relating to the oceans and seas will emerge along with the evolution of technology and changes to the environment and the global economy. Some of those challenges may prompt fresh debate over the sufficiency or the proper application of the Convention. The international community has to respond to those challenges in a way that maintains the balance of uses and the peaceful order in the oceans and seas that we have hitherto enjoyed. We must therefore remind ourselves that it is critical to maintain the indivisibility of the Convention, which is the sole and overarching legal framework for the oceans and seas.

When the Convention was drafted, its negotiators recognized that there were a number of very contentious issues that could be resolved only through trade-offs and by accepting the Convention as a package. That is particularly true of the new legal regimes created by the Convention, including those relating to the exclusive economic zone, archipelagic States, archipelagic sea lanes passage and transit passage. No reservations can be made to the Convention and no selectivity should be exercised in its application. While the Convention allows for declarations, the Convention itself provides that declarations are not a back-door method of expressing reservations concerning certain provisions, or of interpreting the provisions in a manner that is inconsistent with their letter and spirit.

Some of the new challenges we face are explicitly dealt with in the Convention text. Others are not. It is

my delegation's firm view, however, that the Convention contains both the core set of principles that should be applied and the necessary scope for us to successfully address all emerging issues related to the oceans and seas. In that context, my delegation would like to focus on two key issues today.

The first issue relates to the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. My delegation has followed the discussions of the Ad Hoc Open-ended Informal Working Group with interest. We welcome the endorsement, in the draft omnibus resolution, of the Working Group's recommendations, in particular the recommendation in paragraph 1 (a) of the annex to document A/66/119, which specifically recognizes that any multilateral agreement dealing with marine biodiversity in areas beyond national jurisdiction must be developed under the Convention.

In pursuing the endeavour of conserving and sustainably using marine biodiversity in areas beyond national jurisdiction, we must also be careful not to undermine the freedom of navigation and other equally important interests. It bears repeating that the careful compromises embodied in the Convention have served us well. Even as we move forward with the process that we will initiate within the Working Group by adopting draft resolution A/66/L.21 now before us, it is imperative that we do so without undermining the integrity of the Convention.

The second issue relates to the protection of critical communications infrastructure located on the seabed and ocean floor. It is still a little-known fact that more than 95 per cent of international communications are routed through fibre-optic submarine cables. In other words, almost all of us use these cables to perform everyday tasks that we have come to take for granted: sending e-mail, making international telephone calls, Internet banking and making purchases online. A single break in a submarine cable could result in huge economic costs for all the countries it connects. As submarine cables are slim and fragile, and simply laid on top of the seabed, such breaks could happen for any number of reasons, such as a ship unknowingly dropping anchor in the wrong place.

My delegation is therefore heartened to note that the report of the Secretary-General on oceans and the law of the sea once again highlights the important issue

of submarine cables (A/66/70, para. 84). For the second year running, Singapore introduced language on submarine cables into the draft omnibus resolution on oceans and the law of the sea (A/66/L.21). Singapore's proposals received strong expressions of support from many delegations during the negotiations on the draft resolution. We thank delegations for working constructively with us to raise awareness of the need to protect these cables and for them to be rapidly repaired when damaged. This is an issue that concerns all States, regardless of their geographical situation, which rely on international communications to keep their economies going.

Mr. Wetland (Norway): The United Nations Convention on the Law of the Sea sets forth the legal order for the seas and the oceans. All processes related to the oceans, including the sustainable use of marine resources, must be dealt with within the framework of the Convention.

Norway's marine policy rests on an integrated, ecosystem-based approach to marine management. We apply the precautionary principle and have drawn up integrated management plans. They provide a framework for the sustainable use of natural resources in a way that maintains the biodiversity of ecosystems.

Oceans are critical for global food security. Sustainable marine management is imperative if the oceans are to continue to be a source of human food. Our challenge, therefore, is to find a balance between the responsible use of living marine resources and conservation.

Sustainable resource management and the fight against illegal, unreported and unregulated (IUU) fishing are the most important tools for safeguarding the world's fish stocks. Combating IUU fishing has been one of the main issues on the international fisheries agenda for the past decade, and we must continue to cooperate on this issue. As my colleague from Indonesia just stated, there is too much voluntarism and discretion for States.

Based on experiences in our own region, we are concerned about the connections between international organized crime and illegal fishing. The study entitled "Transnational organized crime in the fishing industry", published earlier this year by the United Nations Office on Drugs and Crime, is a useful contribution to the further exploration of such links. We encourage States and international organizations to

further study the causes and methods of illegal fishing in this context.

The impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks have been a concern for Norway for several years. We are therefore pleased that the General Assembly has agreed on measures to address these problems. Vulnerable marine habitats outside national jurisdictions are better protected against the adverse effects of bottom fishing today than they were before those decisions were made. The General Assembly resolutions on this issue have had a clear effect. According to the Secretary-General, if fully implemented, resolutions 61/105 and 64/72, as well as the Food and Agriculture Organization of the United Nations International Guidelines for the Management of Deep-sea Fisheries in the High Seas, provide the tools necessary to protect vulnerable marine ecosystems from significant adverse impacts due to bottom fishing and to ensure the long-term sustainability of deep-sea fish stocks. It is therefore vital that we focus on improving implementation. At the same time, we must acknowledge that the implementation of those resolutions is demanding for many States and regional fisheries management organizations, particularly for developing countries, and we must make sure that we do not end up with a system whereby only rich countries are able to fish.

The impacts of climate change and ocean acidification on the marine environment is a global issue. The nature, rate and impacts of climate change and the vulnerability of marine and coastal ecosystems and societies will vary from place to place, but, ultimately, the environmental and societal impacts will be felt at the local level and affect people's daily lives.

International shipping is responsible for its share of greenhouse-gas emissions. The International Maritime Organization has taken action this year to address this through the adoption of energy-efficiency requirements for international shipping. This is a major achievement.

Protecting biological diversity is essential for the preservation of the living networks and systems that form the basis of our existence. There is also an urgent need to implement effective measures to combat threats to marine biodiversity. Norway therefore welcomes the discussions on how to improve the protection of marine

biodiversity and the sustainable use of resources in areas beyond, as well as within, national jurisdiction.

We welcome the work of the Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction established by the General Assembly, and we look forward to assessing the substantive issues in greater depth as the process develops. It is important that the Working Group examine all current and potential negative impacts on biodiversity in sea areas beyond national jurisdiction and consider how they can best be dealt with. The conclusions must remain open. Only then will we be able to identify the best solutions.

Clear maritime boundaries are essential so as to determine which States have rights and obligations in which areas according to the law of the sea. This is important in relation to the sustainable exploitation of marine resources and the protection of the marine environment. Such legal clarity also promotes peace and security.

The establishment of the outer limits of the continental shelf beyond 200 nautical miles is a key element in the implementation of the law of the sea regime. This is necessary to clarify the legal framework for future shelf activities and for environmental protection. It also has significant development implications. Let me in this connection acknowledge the significant contribution made by the Commission on the Limits of the Continental Shelf.

The establishment of the outer limits of the continental shelf presents a challenge for many developing countries, which do not have the necessary financial and human resources. Norway is now cooperating with a number of African countries in this connection. Our objective is to help those countries utilize their rights under the law of the sea and, ultimately, exercise a greater degree of control over their own resources.

Norway would like to encourage all States with the necessary resources to assist developing countries in the preparation of documentation for the Commission on the Limits of the Continental Shelf.

Lastly, Norway is concerned about piracy and armed robbery off the coast of Somalia, which is continuing to pose a threat to innocent lives, humanitarian supplies, international commerce and

navigation. This autumn, Norway assigned a maritime patrol aircraft to NATO's Operation Ocean Shield. We have also sponsored relevant Security Council resolutions, and we participate actively in the International Maritime Organization's work on combating piracy and in the Contact Group on Piracy off the Coast of Somalia. Norway will continue to support the broad range of actions taken by the international community to combat piracy and armed robbery at sea.

Mr. Sánchez Contreras (Mexico) (*spoke in Spanish*): I would like, first of all, to express my delegation's sincere thanks and congratulations to Ambassador Henrique Valle for having yet again done an excellent job as coordinator of the draft resolution on oceans and the law of the sea (A/66/L.21) and for having guided the consultations to a satisfactory conclusion. We also extend our thanks to Ms. Holly Koehler, coordinator of the draft resolution on sustainable fisheries (A/66/L.22).

Mexico believes that, as in previous years, the draft resolution on oceans and the law of the sea constitutes a genuine guide to action that can serve to orient the international community in accomplishing its goals of promoting international peace and security, broader cooperation and the sustainable development of oceans and seas.

We believe that the draft resolution sets out significant advances that are worth highlighting. Mexico is extremely pleased that the draft resolution takes note of the International Tribunal for the Law of the Sea Seabed Disputes Chamber's advisory opinion on *Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area*. The request for an advisory opinion demonstrated the growing interaction and necessary cooperation among the institutions created under the aegis of the Convention on the Law of the Sea. We are convinced that the advisory opinion has substantial and practical value not only for the current tasks of the Authority but also for its future activities.

Mexico also views as a positive development that in this year's draft resolution we have returned to the practice followed in previous years, namely, that when, in the framework of the Meeting of States Parties to the Convention, elections to the International Tribunal for the Law of the Sea or to the Commission on the Limits of the Continental Shelf are held — as will be the case

during the next Meeting, in 2012 — the Meeting should last for five or more days.

We also consider it an important step forward that the draft resolution calls on States to consider becoming parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime. My delegation believes that that call fills a gap that previously existed in the resolution, as it used to call on States with regard to the two other Protocols that complement the Convention without referring to this one. Mexico is convinced that combating the illicit maritime trade in firearms is an essential element in the fight against organized crime.

We appreciate the fact that the draft resolution recognizes the regional cooperation efforts being made within the framework of the programme of Integrated Assessment and Management of the Gulf of Mexico Large Marine Ecosystem. That programme constitutes a solid platform for cooperation for monitoring the preservation and sustainable development of the marine resources of the Gulf of Mexico, particularly in terms of the great diversity of the migratory species that inhabit it. In that context, we invite other States with enclosed or semi-enclosed seas, when the occasion arises, to adopt similar cooperation plans, in line with article 123 of the Convention.

We also consider it a positive development that relevant international organizations and other donors, including the Global Environment Facility, are urged to support the International Seabed Authority Endowment Fund. We believe that such support will enable the Authority to help scientists and technicians from developing countries to participate in scientific research programmes and cruises, which will certainly strengthen the capacities of those States, including with respect to protecting and conserving their marine environments, and will also benefit humankind as a whole.

As I said earlier, in Mexico's view, the fundamental theme of the draft resolution has to do with marine biodiversity in areas beyond national jurisdiction. I would now like to make several points in that regard.

We welcome the adoption of the recommendations of the fourth meeting of the Working

Group on marine biological diversity in areas beyond national jurisdiction. We consider that to be of vital importance, given that it implies the beginning of a process of negotiations to guarantee the development of the necessary legal framework for the preservation and sustainable use of biodiversity in areas beyond national jurisdiction.

Mexico believes that the best way to carry out the negotiations for a legal framework is through the establishment of an intergovernmental committee charged with developing a multilateral agreement under the United Nations Convention on the Law of the Sea. From our point of view, as the recommendations propose, that instrument should address as a whole — simultaneously and as a single package — the topic of marine genetic resources, including the sharing of benefits derived from their use; measures and tools for protecting biodiversity, including the designation of marine protected areas; and environmental impact assessments.

With respect to oceans and the law of the sea, Mexico believes that the General Assembly should place greater emphasis on two points.

First, we believe that it is necessary to stress the role of the International Seabed Authority. In our opinion, the Authority is the only organization with specific, universal competence concerning the activities on the seabed beyond national jurisdiction. In that sense, it is beyond doubt that the Authority has accumulated a great store of scientific and technical information on the preservation and protection of the biodiversity of the international seabed. Consequently, the Authority should be the lead institution in advising the General Assembly on technical and scientific matters, so that the Assembly can fulfil its central role in the preservation and sustainable use of marine biodiversity in areas beyond the jurisdiction of national borders.

Moreover, we should bear in mind that the Authority has accumulated an important store of scientific information on the seabed and that it is developing specific plans to establish in the near future an environmental management plan for the Clarion-Clipperton Zone. We therefore consider it fundamental for the members of the Authority's Legal and Technical Commission to participate actively in the General Assembly's Working Group on biological diversity in areas beyond the jurisdiction of national borders.

The commemoration of the thirtieth anniversary of the adoption of the Convention is upon us. In that light, I would like to conclude by referring to the vision expressed in the statement by Mr. Walter Stewart, representative of Guyana, on 11 June 2004, when he said that the Convention, like any legal instrument, is a work in progress that will need to be transformed in order to respond to new circumstances and the demands of reality. My delegation believes that Mr. Stewart's words make more sense today than ever.

Mr. Kalinin (Russian Federation) (*spoke in Russian*): Next year will mark the thirtieth anniversary of the United Nations Convention on the Law of the Sea, of 1982. That treaty is of unique international importance, and its development, we believe, is one of the most important achievements of the twentieth century. Our country has done and will continue to do everything possible to enhance the authority of the Convention, and we call upon States to implement it in the appropriate fashion.

The significance of the world's oceans for humankind continues to increase. Every day, new potentials open for the use of its riches. There is an increasingly broad range of economic activities in the oceans. All of that leads to the need to protect the marine environment and encourage States to find an effective resolution of current issues in this area.

The Russian Federation has always advocated the conservation and sustainable use of marine resources, in line with the Convention. On the other hand, we do not support proposals aimed at limits on marine activities that are not backed up by scientific data, including the outcome of contemporary and earlier marine research. However, we are convinced that any differences in the approach to specific work in this important area should not become a cause for any confrontation, nor should they undermine trust.

Allow me to thank the Secretary-General for presenting to the General Assembly his reports on maritime affairs (A/66/70 and Add.1 and 2, and A/66/307). The Russian Federation commends the work of the bodies set up under the Convention. We note in particular the role of the Commission on the Limits of the Continental Shelf and its valuable contribution to implementing article 76 of the Convention. Our country was one of the first to make a submission to the Commission on the Limits of the Continental Shelf with regard to the Arctic and the

Pacific Oceans. I am glad to inform the Assembly that we are currently conducting scientific research that is nearing completion.

We support the efforts to find the optimal resolution of the problems that have caused a significant increase in the workload of the Commission. In that regard, we stress that it is important that States and the experts on the Commission should meet their obligations to ensure their ongoing participation in the Commission's work. We also believe that the Division for Ocean Affairs and the Law of the Sea should be given the resources necessary to carry out its functions as the secretariat of the Commission.

The Russian Federation is pleased with the outcome of the twelfth meeting of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea. We remain convinced of the usefulness of that forum, which gives a wide range of participants the possibility to hold wide-ranging discussions on current aspects relating to maritime issues, including sustainable development.

We also support the recommendations of the most recent meeting of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, and we continue to be ready to take a constructive part in further discussions on that issue within the Working Group.

The Russian Federation gives particular attention to efforts with regard to the conservation and management of fish stocks. We welcome the enhanced integrated measures to combat illegal, unreported and unregulated fishing, and we are pleased to note the consistent measures being taken to enhance controls by flag States and to increase the effective measures implemented by port States.

The Russian Federation continues to take an active part in developing and implementing measures to protect vulnerable marine ecosystems, both at the individual level and within the framework of relevant regional fisheries management organizations. Once again, we call on Member States that have not yet done so to sign the 1995 Fish Stocks Agreement.

This year Ms. Holly Koehler will complete her work as the coordinator of the informal consultations

on the draft resolution on sustainable fisheries. Allow me to express our thanks for all her contributions over many years to promote the work in this area. We welcome Ms. Alice Revell as the new coordinator for these consultations.

We would also like to thank the coordinator of the omnibus draft resolution on the law of the sea, Ambassador Henrique Valle. Despite the large number of difficult problems, we have been able to have constructive talks. As a result, it was possible to reach mutually agreeable decisions. We take note of the valuable support from the Division for Ocean Affairs and the Law of the Sea, under Mr. Serguei Tarassenko, in all stages of its work.

Mr. Delgado Sánchez (Cuba) (*spoke in Spanish*): Cuba believes the United Nations Convention on the Law of the Sea is of essential importance for the maintenance and strengthening of peace, order and sustainable development in the oceans and seas. This international legal instrument is a milestone in the codification of the international law of the sea and has been ratified by the immense majority of Member States. In it the appropriate and universally recognized legal framework is established, within which all activities related to the oceans and the seas should be carried out.

It is important to preserve the integrity of the Convention on the Law of the Sea and the application of its provisions as a whole. Matters related to oceans and the law of the seas should be under the direct supervision of the General Assembly in order to ensure greater consistency in dealing with those issues and for the benefit of all Member States.

Cuba has been making major efforts in implementing national strategies for sustainable development and to protect the marine environment in order to ensure a consistent, progressive and efficient application of the provisions of the Convention. The Cuban State has a solid national institutional and legislative structure with regard to the law of the sea. The Government of Cuba takes all the measures available to it to successfully respond to crimes on the seas, such as illicit trafficking in drugs and psychotropic substances, illegal trafficking in persons and piracy.

Cuba reiterates the importance of strengthening international cooperation in the management of marine resources and in caring for the oceans and their

biodiversity within the principles of international law, ensuring due respect for the jurisdiction of sovereign States over their territorial sea and in the management of resources in their exclusive economic zones and their extension in the continental shelf.

We firmly support the laudable work of the Commission on the Limits of the Continental Shelf, and we call on all Member States to provide their support so that the Commission has all the resources it needs for its work. It is important that the Commission be able to do its work quickly and effectively while following the legal requirements established for that work.

The delegation of Cuba firmly supports the principle that all existing resources in the Area are the common heritage of humankind. It is our responsibility to work to realize that principle, which is clearly established in the Convention. We must not allow those resources to be patented by transnational companies, nor should we allow the selfishness of some nations to prevent us from reaching important agreements on this issue. All States should benefit from the existing resources in the Area, including its biodiversity and the genetic resources that exist there.

We advocate a broad exchange of scientific and technical knowledge and the free transfer of clean and sustainable technologies to developing countries. Marine scientific research in the Area should be conducted exclusively for peaceful purposes and the benefit of humankind as a whole.

The continuing sea-level rise threatens the territorial integrity of many States, especially small island States, some of which are destined to disappear if urgent measures are not taken. The interconnectedness of ocean systems and the close relation to the dramatic process of climate change affecting humankind oblige us to urgently comply with and further renew the commitments in these areas.

With regard to the 1995 Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, I wish to underscore that Cuba abides in good faith by its fundamental provisions for conservation and management, although it is not a State party to that instrument. However, that Agreement and all decisions arising from it are, like any international agreement, legally binding only for its States parties. We reiterate

that Cuba has not joined the Agreement because we are concerned about the mechanism for boarding and inspection visits to fishing vessels in accordance with articles 21 and 22 of that instrument and its possible political manipulation.

We do not want to conclude without expressing our appreciation of the commendable work by the Division for Ocean Affairs and the Law of the Sea and by the coordinators of the two draft resolutions, whose adoption my country will support.

Ms. Gunnarsdóttir (Iceland): At the outset, I would like to thank the Secretariat, including the able staff of the Division for Ocean Affairs and the Law of the Sea, for the valuable assistance provided to Member States. I would also like to thank the two coordinators, Ambassador Henrique Rodrigues Valle of Brazil and Ms. Holly R. Koehler of the United States, for conducting the informal consultations on the two draft resolutions before us, on oceans and the law of the sea (A/66/L.21) and on sustainable fisheries (A/66/L.22), both of which Iceland sponsors. Ms. Koehler, who is stepping down after eight years of excellent and invaluable service, deserves special tribute.

It is imperative to preserve the integrity of the United Nations Convention on the Law of the Sea, which provides the legal framework for all our deliberations on the oceans and the law of the sea. By ratifying and implementing the Convention, States sustain and promote a number of the most cherished goals of the United Nations. Every effort must be made to utilize existing instruments to the fullest before other options, including possible new implementation agreements under the Convention, are given serious consideration.

The three institutions established under the Convention are all functioning well. The Commission on the Limits of the Continental Shelf has received 57 submissions from coastal States, including Iceland. We note with satisfaction the progress in the work of the Commission, but we share the concern about its heavy workload. We emphasize the need to ensure that the Commission can perform its functions expeditiously and effectively, while maintaining its high level of quality and expertise and respecting fully the Convention and the Commission's rules of procedure.

We fully support the request to the Secretary-General to allocate appropriate and sufficient resources to the Division for Ocean Affairs and the Law of the Sea to provide adequate services and assistance to the Commission in view of the increased number of its working weeks, including through the establishment of additional posts to reinforce the geographic information system and through legal and administrative support to the Commission by the Division.

Iceland participated in the meeting of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction, held in New York last May. We fully endorse its recommendations. We look forward to the next meeting of the Working Group, which will presumably prepare workshops that focus on such issues as marine genetic resources and area-based management tools.

Iceland welcomes the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea and its contribution to improving coordination and cooperation among States and to strengthening the annual debate of the General Assembly on oceans and the law of the sea by effectively drawing attention to key issues and current trends. This year's focus topic was very timely and appropriate. In that regard, we endorse the call in the draft resolution on oceans and the law of the sea on States to consider the 2012 United Nations Conference on Sustainable Development as an opportunity to consider measures to implement internationally agreed goals and commitments relating to the conservation and sustainable use of the marine environment and its resources.

In the preparations for the Conference, Iceland puts special emphasis on the marine environment. Economic prosperity and food security are dependent on healthy oceans. The sustainable use of living marine resources contributes substantially to human food security, as well as dietary variety. It provides for the livelihood of millions of people and is a central pillar of many national and regional economies, especially low-income food-deficit countries and small island developing States.

Iceland attaches great importance to the long-term conservation, management and sustainable use of

living marine resources and the obligation of States to cooperate to that end, in accordance with international law, in particular the Convention on the Law of the Sea and the United Nations Fish Stocks Agreement. We welcome the reaffirmation of those goals in the draft resolution on sustainable fisheries.

My country considers the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, of the Food and Agriculture Organization (FAO), a very important instrument. We welcome the signatures and ratifications of this first global treaty focused specifically on the problem of illegal, unreported and unregulated fishing, and we encourage States to ratify it with a view to its early entry into force.

Iceland welcomes the recent review of actions taken to implement the relevant paragraphs of resolutions 61/105 and 64/72, which address the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep sea fish stocks. In particular, we welcome the successful workshop held in New York on 15 and 16 September to discuss the implementation of those important paragraphs. At the workshop, representatives of States and regional fisheries management organizations (RFMOs) explained extensively their respective implementation actions. We concur with the concluding remarks in the Secretary-General's report prepared for the workshop (A/66/307), that, if fully implemented, resolutions 61/105 and 64/72, as well as the FAO Guidelines, provide the tools necessary to protect vulnerable marine ecosystems from significant adverse impacts due to bottom fishing and to ensure the long-term sustainability of deep sea fish stocks.

My country welcomes, as does the draft resolution on sustainable fisheries, the important progress made by States, RFMOs and those States participating in the negotiations to establish RFMOs competent to regulate bottom fisheries to implement the relevant paragraphs. Despite the progress made, however, the actions called for in those paragraphs have not been fully implemented in all cases, and further actions are needed to strengthen continued implementation. We welcome the decision to conduct a further review after four years, in 2015. That should give sufficient opportunity for improved implementation, where necessary, with the technical assistance of the FAO.

Mr. Sul Kyung-hoon (Republic of Korea): At the outset, I would like to thank both coordinators, Ms. Holly Koehler of the United States of America and Ambassador Henrique Valle of Brazil, for their remarkable work in completing the difficult negotiations on the draft resolutions that have been introduced in the General Assembly today (A/66/L.21 and A/66/L.22). I would also like to thank the United Nations Division for Ocean Affairs and the Law of the Sea for its supportive role and excellent work.

My Government attaches great importance to the Convention on the Law of the Sea, as it provides a unique and comprehensive legal framework for the peaceful use of the world's oceans. For three decades, the Convention has shown what the global community can achieve if we work together in a spirit of cooperation for the collective good. It is worth noting that all activities on the oceans and seas have been carried out within that framework and that the Convention's integrity has been maintained without disruption.

As of 31 August, there were 162 parties to the Convention. We urge those States that have not yet become parties to the Convention and its two implementing agreements, the 1994 Agreement relating to the implementation of Part XI of the Convention and the 1995 Fish Stocks Agreement, to do so as soon as possible. The institutions established by 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 — have all played important roles. Member States should continue to make concerted efforts to address the difficulties that those executive bodies may encounter in carrying out their work.

The Assembly of the International Seabed Authority held its seventeenth session in Kingston in July. We welcome its decision that preparations should begin for drafting a mining code regulating the exploitation of deep-sea minerals in the international seabed Area. We believe that such a code will contribute significantly to the Convention's implementation. We also note with satisfaction the Tribunal's contribution to the peaceful settlement of disputes, in accordance with Part XV of the Convention.

One instance for which my delegation would like to express its appreciation to the Tribunal was the

timely delivery on 1 February, at the request of the Council of the Authority, of its advisory opinion on the responsibilities of a sponsoring State under the 1994 Agreement and the Convention. We believe that that advisory opinion is very much in line with opinions and statements submitted by many States parties, including my Government. We also believe that the Tribunal will continue to demonstrate its competence and expertise by resolving such pending maritime disputes as the 2009 delimitation of the maritime boundary in the Bay of Bengal, the 2010 *M/V Louisa* case and the *M/V Virginia G* case.

The delineation of the outer limits of the continental shelf, including beyond 200 nautical miles from the baselines, would bring certainty to the exercise of rights and jurisdictions in national and international areas. In that context, the work of the Commission on the Limits of the Continental Shelf is of particular importance. In that regard, we are pleased to note that the Commission has continued to examine the submissions made by States parties to the Convention this year. My Government reaffirms its commitment to the goals of the Convention and its full support for the effective and efficient operation of its institutions.

The year 2012 will mark the thirtieth anniversary of the opening for signature of the Convention. When we assess the status of the implementation of the Convention and its related Agreements on that occasion, we believe that we should not underestimate the overarching significance of the Convention in strengthening international peace and security, promoting international cooperation and achieving sustainable development of the oceans and seas.

While the Convention has stood the test of time, it also faces challenges ahead as the world changes around it. For example, piracy and armed robbery at sea against vessels continue to cause grave problems for international navigation and the safety of commercial maritime routes. Collaborative efforts at the subregional, regional and international levels are needed to adequately address such problems. While we welcome actions taken in that regard by the Security Council and commend the activities of the Contact Group on Piracy off the Coast of Somalia, as well as the work of the International Maritime Organization and the other international bodies engaged in combating such illicit acts, we believe that much remains to be done in that area.

The Government of the Republic of Korea has continued to contribute to ocean affairs. First, next year in Yeosu, an ocean-front city in southern Korea, the Republic of Korea will hold Expo 2012, under the theme “The living ocean and coast”. We welcome the participation of UN-Oceans in the Expo, and are fully confident that it will be an excellent opportunity for keeping ocean issues high on the agenda.

Secondly, as the Assembly may be aware, the Northwest Pacific Action Plan’s regional initiative on marine litter continues to be implemented in cooperation with various stakeholders. In that connection, we are pleased to note that in October 2010 the tenth annual Northwest Pacific Action Plan international coastal clean-up and workshop on marine litter was held on Jeju Island in Korea.

In conclusion, the international community has long worked together to ensure an orderly and stable regime on the oceans and seas. There is a great need for the spirit of mutual understanding and cooperation that is enshrined in the Convention at this time when humankind is facing many challenging issues — inter alia, maritime security, the protection and preservation of the marine environment, sustainable development and climate change. We would like to take this opportunity to renew our commitment to ensuring sound governance of the oceans and seas.

Ms. Leal Perdomo (Bolivarian Republic of Venezuela) (*spoke in Spanish*): Aware of the vital role that the oceans and seas play in meeting humankind’s food and nutritional needs, and of the fact that they represent an essential component of the global system for supporting life and a valuable resource for ensuring sustainable development, the Bolivarian Republic of Venezuela reaffirms the importance it attaches to the oceans and the law of the sea.

With that in mind, my country’s public policies attach a particular priority to the issue, as is clearly reflected in our national legislation and in the plans and programmes formulated and implemented according to the criteria and principles of conservation and the sustainable use of marine resources. In that context, in August the Venezuelan Government created by a decree with the scope and force of law the Island Territory of Francisco de Miranda, which includes the archipelagos of Los Roques, La Orchila and Las Aves, in the Caribbean Sea. They will function as a single political territory under a special system that will

promote, among other benefits, the protection and preservation of aquatic ecosystems and manage the commercial and industrial exploitation of the area’s resources. Importantly, policies on the protection of protected areas, maritime security, water transport, public security, public health and environmental protection will also be put into effect.

Venezuela possesses within its maritime jurisdiction a string of more than 100 islands in its territorial waters, which form the outer limit from which extend the 200 miles that constitute our exclusive economic zone. That is why Venezuela takes a special interest in international developments in the matter of oceans and seas, especially the recent meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, held here at New York Headquarters in June. The Consultative Process is a forum for political and technical cooperation, open to all interested States and organizations, to assess the status of the marine environment on the global level. We therefore believe it very important to maintain the Consultative Process as a valuable United Nations forum, necessary for synergy among the major environmental conventions and for coherence on maritime issues, with a view to filling various judicial gaps in the law of the sea.

Discussion of that subject must be closely linked to the concept of sustainable development. We should therefore give greater weight to the role of the oceans in, among other issues, food security and the quest to eradicate poverty. We also take the opportunity provided by today’s debate to reaffirm our concern about what we believe to be the failure to fully apply international law in efforts to preserve and manage genetic resources beyond areas of national jurisdiction. In our judgement, that discussion should be based on the Convention on Biological Diversity. Venezuela finds it unacceptable that the management of those resources is being handled by means of an exclusionary judicial system. Furthermore, we call for more rigorous studies so that scientific certainty can serve to steer the international community towards the best measures to protect and preserve the marine environment and its living resources against pollution, degradation and anything that threatens its existence.

This year, the Government of Venezuela and the United Nations Environment Programme concluded an agreement to strengthen the Marine and Coastal Protected Areas System under my country’s

jurisdiction, for the systematic study of 585,000 square kilometres of marine areas, representing the first initiative in Venezuelan history to address in a unified way such a vast space. The project foresees the development of such offshore territories through various programmes, including fishing and natural gas exploration, aiming to provide employment and improve the quality of life for our island dwellers. Not only will that represent progress in the right to life, it will be a cooperative initiative promoting growth not only for my country but also for other Latin American nations.

In the view of the Bolivarian Republic of Venezuela, the United Nations Convention on the Law of the Sea of 10 December 1982, does not in itself — either in its text or in its supplementary agreements — cover all aspects of the issues that the international community must address in the matter of oceans and seas. My delegation therefore strongly emphasizes the key role that should be played by other international instruments in the management of marine biological diversity in areas beyond national jurisdiction, as reflected in decision IX/20 of the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Bonn in 2008.

With regard to draft resolution A/66/L.22, on sustainable fisheries, which calls for, *inter alia*, making fuller use 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, Venezuela underlines that this is a highly sensitive matter involving an extremely important sector for our country. We have therefore begun a far-reaching initiative involving a set of programmes to conserve, protect and manage marine biological resources.

Venezuelan fishing and fisheries law provides for penalties against flag vessels that engage illegally in the extraction of marine resources without due authorization by the State, as well as for ships crossing into our territorial waters without presenting documents authorizing them to do so. In such cases we report them to their flag States.

On the issue of highly migratory fish stocks, a registry of vessels is regularly submitted to regional fisheries management organizations (RFMOs) for

information and follow-up, as required by regulations and as a demonstration of transparency. Venezuelan law likewise prohibits trawling, so as to promote sustainable development, specifically of fish stocks.

At the international level, Venezuela adheres to principles of the Code of Conduct for Responsible Fisheries, in accordance with Chapter 18 of Agenda 21, adopted at the United Nations Conference on Environment and Development in Rio de Janeiro in 1992. We also take an active role in various RFMOs. We believe that it is important to participate in joint initiatives to control illegal, unreported and unregulated fishing. Our Government has adopted the means necessary to address that situation.

Venezuela reaffirms its commitment to cooperate with multilateral efforts and initiatives to promote the sustainable development of seas and oceans. We therefore call for an international legal framework that includes all regional and international agreements needed for the conservation and sustainable use of marine resources.

Venezuela reiterates its long-standing position, expressed in many international forums, that the United Nations Convention on the Law of the Sea is not the only basis for the law of the sea. We reject its being considered the sole source. We also emphasize that that instrument does not enjoy universal acceptance, given that a significant number of States are not party to the Convention.

Venezuela would like to recognize the work of the coordinators for today's draft resolutions, as well as the Division for Ocean Affairs and the Law of the Sea for its extremely valuable support.

Mr. Mohamed (Maldives): I am pleased to make this statement under agenda item 76, which covers both oceans and the law of the sea and sustainable fisheries.

At the outset, we would like to sincerely thank the coordinators of draft resolution A/66/L.21, on oceans and the law of the sea, and draft resolution A/66/L.22, on sustainable fisheries, as well as the Division for Ocean Affairs and the Law of the Sea for its continued support and work on oceans issues. We would also like to wish Ms. Holly Koehler the best of luck in her future endeavours. We greatly appreciate her leadership and guidance during the informal consultations.

The Maldives believes that this year's draft resolutions on sustainable fisheries and oceans and the law of the sea validate the continuing globalization of the oceans agenda. The global level of consciousness on the role of oceans is high, but the collective ability to manage oceans issues to the benefit of all nations and peoples of the world needs to be strengthened.

For Maldivians, the critical importance of sustainable fisheries and oceans to our livelihoods, economic development and food security cannot be overemphasized, given that the Maldives is a small island developing State consisting of over 1,000 low-lying islands. Our survival and, indeed, our future remain and will continue to remain heavily dependent on treating the oceans and everything in them in a sustainable and justifiable manner.

We remain deeply concerned about overfishing, illegal, unreported and unregulated fishing, discards and by-catch, trawling and other habitat damage, perverse Government subsidies, ineffective fisheries governance, overcapacity in fishing fleets, biodiversity loss, habitat loss, single-species management and the adverse effects of climate change, all of which are insufficiently addressed. In order to deal with those issues properly, we must start to think about the oceans and oceans management in a completely different way.

Regional fisheries management organizations (RFMOs) are the basis of high-seas fisheries governance. RFMOs need to establish effective regional agreements on ocean resources management, create integrated ecosystem-based regional bodies and have comprehensive and innovative approaches that address the sustainable use and management of marine living resources. We remain concerned, however, that the lack of political will, capacity and enforcement in some RFMOs greatly hampers the effective management of the oceans.

The Maldives would like to reiterate its proposal that serious consideration be given to the need to create new, effective regional arrangements to take an integrated, ecosystem-based approach to the management of oceans, marine resources and ocean users across entire ocean basins. For existing regional organizations, we believe that a review of decision-making processes should be carried out, with a view to improving transparency and accountability at the global level. We would suggest that specific provisions for General Assembly oversight of those regional

arrangements and organizations should be adopted. We would also suggest that such arrangements need to advance the developmental aspirations of coastal developing States, especially the small island developing States, including the possibility of preferential access to available fisheries resources, for example.

In that respect, we take note of Part XIV of the United Nations Convention on the Law of the Sea (UNCLOS), which commits States parties to promote the development of the marine scientific and technological capacity of States. We also take note of resolution 65/37 B, entitled "Oceans and the law of the sea".

Member States need to address the threats facing the oceans, which are one of the means of achieving sustainable development. Such threats include overfishing, as well as subsidies, marine reserves and protected areas in areas beyond national jurisdiction.

Flag States need to practise responsible fishing and control their vessels, while port States must not contribute to illegal, unregulated and unreported fishing by letting such catches enter their ports and reach the market.

In conclusion, Sir, for small island developing States, like the Maldives, and other developing coastal States, sustainable fisheries and the effective management of oceans and marine resources form an integral part of their development strategies. However, all States have a stake in this worldwide agenda. We must ensure that, as we play our respective roles, we contribute to the betterment of all peoples.

The Acting President (*spoke in Spanish*): In accordance with General Assembly resolution 51/204 of 17 December 1996, I now give the floor to Mr. Shunji Yanai, President of the International Tribunal for the Law of the Sea.

Mr. Yanai (International Tribunal for the Law of the Sea) (*spoke in French*): It is a great honour for me to take the floor on behalf of the International Tribunal for the Law of the Sea to address the General Assembly at its sixty-sixth session.

It is my sad duty to inform you, Sir, of the death of one of our colleagues, Judge Anatoly Lazarevich Kolodkin, on 24 February. We shall always remember him and his invaluable contribution to the work of the Tribunal.

As is the custom, I shall report to the General Assembly on the developments in the Tribunal's work since the sixty-fifth session. I shall also take this opportunity to address several points regarding the Tribunal's recent activities. Before I do so, however, please allow me to welcome Thailand, which this year became a State party to the United Nations Convention on the Law of the Sea (UNCLOS).

On the subject of the composition of the Tribunal, it should be noted that the twenty-first Meeting of States Parties to the Convention re-elected Judges Cot (France), Gao (China), Lucky (Trinidad and Tobago) and Ndiaye (Senegal). It also elected three new judges to a nine-year term of office: Mr. David Joseph Attard (Malta), Ms. Elsa Kelly (Argentina) and Mr. Markiyan Z. Kulyk (Ukraine). They were sworn in on 1 October. Judge Kelly is the first woman to serve as a judge of the Tribunal.

On 30 September, my immediate predecessor, Judge Jesús, completed his three-year term as President of the Tribunal. At a meeting on 1 October, I was elected President of the Tribunal for a three-year term. On the same day, Judge Albert Hoffman was elected Vice-President of the Tribunal. Judge Vladimir Golitsyn was elected President of the Seabed Disputes Chamber on 6 October. As for the Registry, on 22 March, the Tribunal re-elected Mr. Philippe Gautier as Registrar of the Tribunal for a five-year term.

In regard to jurisdiction, as a judicial institution specializing in the law of the sea, the Tribunal plays a key role in the dispute settlement system established under the Convention. Pursuant to article 287, paragraph 1, of the Convention, a State may choose, by means of a written declaration, the International Tribunal for the Law of the Sea, the International Court of Justice, an arbitral tribunal or a special arbitral tribunal as a means for settling disputes concerning the Convention. As at 6 December, 45 States parties had made declarations under article 287, and 33 of them had chosen the Tribunal as an appropriate forum.

The choice of procedure is of crucial importance. A State party involved in a dispute not covered by a declaration in force is deemed to have accepted arbitration in accordance with Annex VII of the Convention. Let us note as well that, even when States have not made a declaration under article 287 of the Convention, they may still entrust the Tribunal with a dispute initially submitted to arbitration in accordance

with Annex VII. To date, that option has been used in four cases referred to the Tribunal: Case No. 2, *The M/V "SAIGA" (No. 2) Case (Saint Vincent and the Grenadines v. Guinea)*; Case No. 7, *Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/European Union)*; Case No. 16, *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)*; and Case No. 19, *The M/V "Virginia G" Case (Panama/Guinea-Bissau)*. The parties to a dispute stand to benefit in many ways from exercising that option, particularly in respect of court costs and dispute resolution by a standing specialized court.

The Tribunal's jurisdiction also extends to any dispute concerning the interpretation or application of an international agreement related to the purposes of the Convention which is submitted to it in accordance with the agreement. In that connection, I note with satisfaction that many conventions on, among other subjects, fisheries, protection and preservation of the marine environment, conservation of marine resources, underwater cultural heritage and the removal of wrecks refer to the Tribunal as the forum for the settlement of disputes. Those clauses could prove quite useful in the event of a dispute over the interpretation or application of an agreement, by providing Member States with a judicial means of arriving at a solution within a reasonable amount of time.

The Tribunal also enjoys advisory jurisdiction independent of that of the Seabed Disputes Chamber. Advisory proceedings are provided for in article 138 of the rules of the Tribunal. I shall confine myself here to observing that advisory proceedings before the Tribunal may prove an attractive alternative for States seeking an opinion on a disputed point of law.

I would now like to say a few words about the activities of the Tribunal since the sixty-fifth session of the General Assembly. With respect to the Tribunal's judicial activity, two decisions have been delivered since my predecessor's last statement before the Assembly (A/65/PV.58). On 23 December 2010, the Tribunal handed down its order in Case No. 18, *The M/V "Louisa" Case (Saint Vincent and the Grenadines v. Kingdom of Spain)*.

On 1 February 2011, the Seabed Disputes Chamber delivered its first advisory opinion on the

Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the International Seabed Area. During the same period, the Tribunal continued its examination of Case No. 16, *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)*. In addition, the Tribunal has received a new case: *The M/V "Virginia G" Case (Panama/Guinea-Bissau)*.

I would like to indicate to the Assembly the main legal issues raised in the various proceedings. With respect to *The M/V "Louisa" Case (Saint Vincent and the Grenadines v. Kingdom of Spain)*, on 24 November 2010, Saint Vincent and the Grenadines instituted proceedings against Spain before the Tribunal, in a dispute concerning the detention of the *M/V Louisa*. The Application to institute the proceedings before the Tribunal included a request for the prescription of provisional measures submitted in accordance with article 290, paragraph 1, of the Convention.

The *M/V Louisa*, flying the flag of Saint Vincent and the Grenadines, was arrested by the Spanish authorities on 1 February 2006 and has been detained ever since. The Applicant maintains that the vessel was conducting scientific research under a valid permit issued by Spain and that the detention is in violation of the Convention. The Applicant's request for the prescription of provisional measures included a request that the Tribunal order the release of the vessel. In its statement in response, Spain claimed that the *M/V Louisa* had been detained on account of violations of the law on the protection of Spanish cultural heritage. The hearing held in the framework of urgent proceedings with respect to provisional measures took place in December 2010.

The Tribunal delivered its order in the case on 23 December 2010. While finding that it had *prima facie* jurisdiction over the dispute, the Tribunal held that there was no real and imminent risk that irreparable prejudice might be caused to the rights of the parties in dispute before the Tribunal so as to warrant the prescription of the provisional measures.

In addition, with respect to the Applicant's argument that leaving the ship docked in a Spanish port would pose a threat to the environment, the Tribunal placed on record Spain's assurances that port authorities were monitoring the situation and were capable of responding to any threat to the marine

environment. The case must now be judged on the merits. The written proceedings should be concluded in April 2012 and the hearing in the case should occur next year.

With regard to the request for an advisory opinion on *Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the International Seabed Area*, submitted to the Seabed Disputes Chamber on 6 May 2010, the Council of the International Seabed Authority adopted decision ISBA/16/C/13, by which, in accordance with article 191 of the Convention, it requested the Seabed Disputes Chamber of the Tribunal to render an advisory opinion on several questions regarding the responsibility of States Parties to the Convention which sponsor activities in the Area in accordance with the Convention and with the 1994 Agreement relating to the implementation of Part XI of the Convention.

Fourteen States Parties to the Convention took part in the proceedings by submitting written statements or making oral statements at the hearing, which took place in Hamburg. The International Seabed Authority and four international organizations also took part in the proceedings.

The Chamber delivered its advisory opinion on 1 February, a little less than nine months after the request was submitted. In its advisory opinion, the Chamber explained that States sponsoring activities in the Area are under two kinds of obligations. The first of those is the "obligation to ensure compliance by sponsored contractors with the terms of the contract and the obligations set out in the Convention and related instruments". That is an obligation of "due diligence", requiring the sponsoring State "to make best possible efforts to secure compliance by the sponsored contractors" and "to take measures within its legal system", namely, laws, regulations and administrative measures.

Obligations of the second kind identified by the Chamber are direct obligations with which sponsoring States must comply independently of their obligation to ensure a certain conduct on the part of the sponsored contractors. Those include, among others, the obligation to assist the Authority, the obligation to apply a precautionary approach and the obligation to apply the best environmental practices.

The liability of the sponsoring State arises in part from its failure to fulfil its obligations, as well as when

such failure has resulted in damage. That requires a causal link to be established between the failure and the damage it has caused. The Chamber has finally provided guidance as to the necessary and appropriate measures that a sponsoring State must take in order to fulfil its responsibilities.

In July, the Secretary-General of the International Seabed Authority welcomed the contribution made by the opinion to the Authority's work. Indeed, the Legal and Technical Commission of the Authority at its seventeenth session recommended, *inter alia*, that the Nodules Regulations be revised in the light of the advisory opinion and suggested that the Authority should prepare model legislation to assist States in fulfilling their obligations as laid out in the opinion. Furthermore, the Secretary-General of the Authority also expressed the view that the opinion provides important clarifications on some of the more sensitive aspects of the Convention relating to exploration and exploitation of the seabed. At the twenty-first Meeting of the States Parties, several delegations viewed the advisory opinion as a landmark in the work of the Tribunal.

Turning now to the *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)*, let me say that it is the first maritime delimitation case to have come before the Tribunal. By letter dated 13 December 2009, the Minister for Foreign Affairs of Bangladesh notified the President of the Tribunal of declarations made under article 287 of the Convention by Myanmar and Bangladesh on 4 November and 12 December 2009, respectively, whereby the two States accepted the jurisdiction of the Tribunal for the settlement of the dispute relating to their maritime boundary. By the same letter, the Minister for Foreign Affairs invited the Tribunal to exercise its jurisdiction to settle the dispute.

In the light of the agreement between the parties, as evidenced by their declarations and the notification made by Bangladesh, the case was inscribed on the list of cases of the Tribunal as Case No. 16, on 14 December 2009. The case concerns the delimitation of the territorial sea, the exclusive economic zone and the continental shelf, including a distance of 200 nautical miles. The hearing was held from 8 to 24 September. The case is now under deliberation, with a decision expected in March 2012, some two years

after the case was submitted to the Tribunal, which represents a reasonable duration for a maritime delimitation case.

Regarding the *M/V "Virginia G" Case (Panama/Guinea-Bissau)*, the Agent of Panama transmitted to the Tribunal, by letter dated 4 July 2011, notification of an agreement concluded between the two countries through an exchange of notes, to submit to the Tribunal a dispute regarding a damage claim resulting from the arrest of the vessel *Virginia G*. According to the statement of claim submitted by Panama, the oil tanker *Virginia G* was carrying out refuelling operations for fishing vessels in the exclusive economic zone of Guinea-Bissau, when it was arrested on 21 August 2009 by Guinean authorities. Panama maintains that, although the vessel was released on 22 October 2010, it suffered significant damage during the 14 months of detention. Panama is seeking reparation for the injury suffered.

Since 1977, an internship programme has been established at the Tribunal. From 2004 to 2009 it received financial support from the Korea International Cooperation Agency. Of the 223 interns from 73 countries, who participated in the programme until 2011, 84 were from developing countries and benefited from grants from Korean funds. In October 2009, the Tribunal established a trust fund to provide financial assistance to programme participants from developing countries.

Since April 2010, two contributions have been made to the fund: one by a company from the Republic of Korea and the other by the Korea Maritime Institute.

Since 2007, the Tribunal has established, with the support of the Nippon Foundation, a dispute settlement capacity-building and training programme under the Convention. Seven interns are participating in this year's programme — from Angola, France, Jamaica, Panama, Senegal, Tonga and Viet Nam. The nine-month Nippon Programme affords interns the opportunity to become familiar with the law of the sea, judicial procedures and the work of the various international organizations dedicated to the seas and the law of the sea.

I have the added pleasure of informing the Assembly that the fifth Summer Academy of the International Foundation for the Law of the Sea was held at the Tribunal's premises in July and August.

Before I conclude, I would like to take this opportunity to thank the Secretary-General, the Legal Counsel and especially the Director of the Division for Ocean Affairs and the Law of the Sea, for their unwavering cooperation and the support they have always provided to us.

The Acting President (*spoke in Spanish*): In accordance with resolution 51/6, of 24 October 1996, I now call on His Excellency Mr. Nii Allotey Odunton, Secretary-General of the International Seabed Authority.

Mr. Odunton (International Seabed Authority): Allow me, first of all, to congratulate the President on his election to the presidency of the sixty-sixth session of the General Assembly. I have every confidence in his ability to guide the Assembly to a successful conclusion.

I wish to refer to the two draft resolutions before the General Assembly (A/66/L.21 and A/66/L.22) and to express my appreciation to Member States for their kind references to the work of the International Seabed Authority contained in draft resolution A/66/L.21. I also express my appreciation for the very comprehensive report of the Secretary-General (A/66/70) which, as always, has provided detailed background material for our consideration.

In July, at its seventeenth session, the Council of the Authority approved four new applications for plans of work on exploration in the Area. Two plans of work were approved, sponsored by China and the Russian Federation respectively, relating to exploration for polymetallic sulphides, and two further plans of work were approved, sponsored by Nauru and Tonga, respectively, relating to exploration for polymetallic nodules in the areas of the seabed reserved for the conduct of activities by developing States. In their own way, each of those workplans represent a milestone in the work of the Authority.

The two applications sponsored by China and the Russian Federation were the first such applications to have been made under the Authority's Regulations on Prospecting and Exploration for Polymetallic Sulphides in the Area, adopted in 2010. As I mentioned in my statement to the Assembly last year (see A/65/PV.59), it is an entirely new resource with tremendous potential as a future source of seabed minerals.

Following the approval by the Council of the two applications, I had the honour, in Beijing on 18 November, of signing the first ever 15-year exploration contract for polymetallic sulphides in the Area, with the China Ocean Minerals Research and Development Association. I congratulate the Association and the Government and people of China on that important achievement. The contract with the Russian Federation is in the process of finalization, and I look forward to signing it in due course.

Another first for the Authority was the approval of two applications by private sector interests, sponsored by developing States, for plans of work for exploration for polymetallic nodules in the so-called reserved areas. The Council approved applications by Nauru Ocean Resources Inc., sponsored by the Republic of Nauru, and by Tonga Offshore Mining Ltd., sponsored by the Kingdom of Tonga. Not only are those the first applications for exploration licences in the international Area by genuinely private-sector entities, but also they are the first applications to have been made for reserved areas on the basis of sponsorship by developing States.

That is a tremendously important development. I would like to remind the Assembly that the original purpose behind the parallel system of exploitation, as set out in the Convention, was to provide developing States with a practical and realistic means of participating in seabed mining, either in their own right or through the Enterprise. The effect of the 1994 Agreement was to delay, perhaps indefinitely, the establishment of the Enterprise, leaving developing States with few options to actively participate in seabed mining, given the huge financial risks involved.

The only realistic option for most developing States, therefore, is to form partnerships with commercial interests that have access to the financial capital and technology that are necessary to conduct deep sea exploration. That is exactly what happened in the case of Nauru and Tonga. It could not have happened, however, unless the private sector had sufficient confidence in the regulatory system that had been developed by the Authority over the past 15 years to make such an investment in the first place.

I wish to congratulate Nauru and Tonga, as well as their commercial partners, on being the first developing States to participate in exploration in the Area. I also believe that all members of the Authority

may congratulate themselves on having developed, at least to this point, a regulatory system that respects the careful balance of interests reflected in Part XI of the Convention, while at the same time providing sufficient incentives and security of tenure to enable the private sector to invest in developing the common heritage of humankind. I believe that those developments are encouraging both for the Authority and for Member States, which will be the ultimate beneficiaries from seabed mining.

Let me remind the Assembly that from its establishment in 1996 until 2010, the Authority issued eight exploration contracts to different States and entities, nearly all of which were former registered pioneer investors under resolution II of the third United Nations Conference on the Law of the Sea. The fact of those four new applications, combined with a significantly increased interest on the part of private sector mining companies and deep ocean technology companies in participating in the seminars and workshops organized by the Authority, clearly indicated a renewed commercial interest in deep seabed mining as an alternative source for the minerals that are needed to fuel economic development in many parts of the world.

The huge technological and financial challenges involved in recovering nodules from great depths have led to long delays in facilitating the exploitation of those resources on a commercial scale. That has, in turn, led many to question whether seabed mining would ever take place at all. The fact is, however, that not only are active research and development programmes for nodule mining continuing, but also geologists and engineers have been actively seeking out new resources and new areas of interest as potential sources of seabed minerals.

Nevertheless, it remains the case that investments that originate from the private sector will inevitably be guided largely by financial considerations, including the impacts of national taxation, payments to the Authority and debt financing. The responsibility of the Authority in those circumstances is to begin the process of developing fair and equitable policies and regulations for the exploitation of marine minerals.

Many of those issues were left pending as a result of the 1994 Implementation Agreement. How some of the critical legal and financial questions are addressed will be an important factor in eventually determining

whether investment in the seabed mining industry will take place, or not. That will form an important part of the Authority's work programme in 2012 and beyond.

Another milestone in 2011, not only for the Authority but also for the Convention as a whole, was the delivery in February of the advisory opinion by the Seabed Disputes Chamber on the *Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the International Seabed Area*.

As the Assembly will recall, the advisory proceedings were instituted by the Council of the Authority pursuant to article 191 of the Convention in response to a proposal originally submitted by the delegation of Nauru. The advisory opinion has provided important clarification of some of the more difficult aspects of the Convention and the 1994 Agreement.

The universal reaction to the opinion, including from academia, members of the Authority and the seabed mining industry, has been positive, in that it has provided much-needed certainty in the interpretation of the obligations and responsibilities of sponsoring States under the Convention and the 1994 Agreement. It is an encouraging sign for the Authority and its member States, not least because it suggests that the commercial sector is fostering confidence in the legal regime for the orderly development of the resources of the Area that has been put in place over the past 13 years.

I should like to use this opportunity, on behalf of the Authority, to express our appreciation to the outgoing President of the Seabed Disputes Chamber, Judge Treves, and to his colleagues, for the expeditious, diligent and transparent manner in which the advisory proceedings were conducted.

I also wish to acknowledge the contributions of the 15 States parties, as well as the intergovernmental and non-governmental organizations, that submitted written or oral statements to the Chamber. Those contributions not only enriched the proceedings, but also demonstrated the strong commitment of States parties to ensuring the integrity and resilience of the Convention regime.

The need to protect and preserve the marine environment from the harmful impacts of seabed mining is a matter that has always been a particular

concern of the Authority. Indeed, as recognized in the draft resolution contained in document A/66/L.21, the Authority is under a legal duty to elaborate rules, regulations and procedures for that purpose and to take such other steps as may be necessary.

In that regard, I wish to commend the Council of the Authority for the excellent progress it made in 2011 towards the establishment of a regional environmental management plan for the Clarion-Clipperton Fracture Zone in the central Pacific Ocean, including the designation of a number of areas of particular environmental interest and proposals to advance the Authority's work on the establishment of environmental baselines.

Although much more work needs to be done, I believe the decision taken by the Council, on the recommendation of the Legal and Technical Commission, is an important first step that reflects not only the provisions of the Convention and the 1994 Agreement, but also other commitments made by States, such as those contained in the Convention on Biological Diversity and the declarations of the World Summit on Sustainable Development, which are referred to in the draft resolution.

Under the scheme set out in the Convention and the 1994 Agreement, and as a matter of international law, seabed mining cannot be authorized to proceed without a prior environmental impact assessment. For that reason, a key driver of the Authority's work over the past decade has been the need to establish environmental baselines against which to measure the impacts of future seabed mining. That is a challenging task. The deep-sea environment is very poorly understood, and there is a critical need for more science in order to better understand the deep ocean, including more data and improved standardization of data, especially relating to taxonomy.

In that connection, I have just returned from Fiji, where the Authority was honoured and delighted to hold an international workshop on issues relating to environmental impact assessments of seabed mining, in collaboration with the Pacific Community's Applied Geoscience and Technology Division and the Government of Fiji. The workshop made good progress in identifying the issues that will have to be addressed in future environmental impact assessments and in identifying data gaps and areas for capacity-building among developing island States. I wish to thank the

Government of Fiji and the Permanent Representative of Fiji to the United Nations, Ambassador Thomson — who is also the President of the Assembly of the Authority — for their efforts in enabling that important workshop to take place.

As mandated by the 1994 Agreement, the approach to establishing the Authority and the regulatory regime for the Area has been an evolutionary one, linked directly to the pace of activities in the Area. At times over the past 15 years, the pace of activity has been slow, and that has been reflected in an apparent lack of activity on the part of the Authority. Over the past two years, however, the pace of activity in the Area has increased rapidly and significantly, leading to a substantial increase in the Authority's workload and greater recognition of its role in managing the seabed and ocean floor beyond national jurisdiction. The establishment phase of the Authority's existence is well and truly over, and it is now firmly in its operational phase.

The decisions that will be made in the next few years are likely to be critical with regard to the common heritage of humankind. Consequently, it is more important than ever that all members of the Authority attend meetings and participate fully in all aspects of the Authority's work. I therefore look forward to the widest possible participation by all members in the Authority's eighteenth session in July 2012, at which, among other things, the budget for the next biennium will be considered. The newly elected Legal and Technical Commission and Finance Committee will also meet for the first time during that session. I congratulate the new members of those bodies on their elections and look forward to working with them in the coming years to help shape the Authority's future.

The Acting President (*spoke in Spanish*): In accordance with General Assembly resolution 54/195, of 17 December 1999, I now give the floor to the observer of the International Union for the Conservation of Nature.

Mr. Cohen (International Union for the Conservation of Nature): The International Union for the Conservation of Nature (IUCN) welcomes the draft resolutions put forward for the General Assembly's consideration this year (A/66/L.21 and A/66/L.22). We wish to highlight certain areas where progress has been made and others where it has yet to be achieved.

We welcome the progress with respect to the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-economic Aspects. Two meetings of the Ad Hoc Working Group of the Whole on the Regular Process, and a related workshop held under the auspices of the United Nations in Santiago, in September, have brought forward important work towards developing the first global integrated marine assessment. We look forward to further rapid progress towards completing that assessment, which will also promote the work of the Intergovernmental Platform on Biodiversity and Ecosystem Services.

We welcome the progress in the discussions regarding the protection of marine biodiversity beyond areas of national jurisdiction. We would welcome adoption of the draft resolution before us today that endorses the recommendations of the Ad Hoc Open-ended Informal Working Group at its June meeting on studying issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.

A crucial step forward would be an agreement to initiate a process under the auspices of the General Assembly to ensure that the legal framework for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction effectively addresses those issues by identifying gaps and ways forward. That step must be implemented expeditiously to avoid or mitigate additional stresses on the marine world. Questions on the sharing of benefits of marine genetic resources, measures such as area-based management tools, including marine protected areas, and the use of environmental impact assessments, capacity-building and the transfer of marine technology are to be addressed as a whole.

With respect to bottom fishing on the high seas, we are concerned that the necessary impact assessments have not always been done or been made publicly available. Appropriate measures to prevent significant adverse impacts on vulnerable marine ecosystems and to ensure the long-term sustainability of deep-sea fish stocks have not always been implemented. My delegation welcomes progress, but we remain deeply concerned about gaps. A lack of public availability of impact assessments makes it impossible to judge their adequacy, hinders capacity-building for States and impedes the sharing and use of scientific knowledge to better manage such resources.

Transparency is of particular importance, as it forms a basis for sustainability. That was clear during the two-day workshop held here in September to review and discuss the impacts of bottom fishing on vulnerable marine ecosystems and on the long-term sustainability of deep-sea fish stocks. At the fourth World Conservation Congress, held in Barcelona in 2008, IUCN members adopted a resolution that stressed the importance and value of transparency in fisheries management and called for the promotion of free and timely access to information, taking into account relevant protocols with respect to data confidentiality, in order to increase awareness of, and accountability for, the sustainability of natural resources.

Based on a workshop organized in January 2011 by IUCN and The Nature Conservancy to examine deep-sea fisheries management, IUCN and The Nature Conservancy developed a set of policy recommendations to inform, support and promote better management of deep-sea fisheries and ecosystems. The full report is available on our website, but I will give some highlights here.

Bottom fishing should not be allowed unless and until appropriate management measures are in place, including prior assessment of the proposed fishing activities and the likely impacts on the marine environment. Assessments should consider both natural variability and effects of other environmental factors, including impacts associated with mining, shipping, marine pollution and climate change, wherever appropriate. Assessments should be open to review by relevant science working groups, by other States and by the interested public. Data collection and exchange requirements should reflect the requirements described in the Compliance Agreement of the Food and Agriculture Organization (FAO) and in Annex I of the 1995 Fish Stocks Agreement, as accurate data are necessary for good stock and impact assessments and are integral to good fisheries management.

Results of scientific research and related data on the deep sea should be made available to the public. Historical fishing data should be released to provide any information they may contain on the location of vulnerable marine ecosystems and on fish stocks. Fishing should not be permitted in areas where data are not collected or shared. Adaptive management approaches with set precautionary harvest levels and appropriate biological reference points should be

implemented by regional fisheries management organizations and by States.

With respect to deep-sea fisheries, capacity-building programmes are urgently needed. Such programmes could assist States as necessary to develop and implement laws and agreements; to better regulate, manage and conserve fish stocks; to undertake prior assessments; to better monitor, control and survey areas subject to their national jurisdiction; to better monitor the operation of their vessels and nationals in marine areas beyond their national jurisdiction; and to attend relevant international meetings, including of appropriate regional fisheries management organizations.

Any allocation of rights to fish on the high seas should incorporate the best available science, take into account the need to conserve healthy ecosystems, and incorporate transparency and equity in order to meet the needs of all States, especially those of developing countries that now have an interest in fishing in the high seas and an ability to do so.

We welcome the United Nations Conference on Sustainable Development to be held in Rio de Janeiro in June 2012. The Conference offers a venue to secure renewed political commitment to the full implementation of the three pillars of sustainable development and to reaffirm the importance of the full implementation of Agenda 21, the Rio Declaration on Environment and Development and its 27 Principles, and the Johannesburg Plan of Implementation. In these documents, many of the paragraphs regarding oceans, seas, islands and coastal areas remain unimplemented.

For example, the Johannesburg Plan called for the maintenance or restoration of fish stocks to levels that can produce the maximum sustainable yield with the aim of achieving those goals for depleted stocks on an urgent basis and, where possible, by not later than 2015. That has not been done. The Plan called for the development and facilitation of diverse approaches and tools, including the establishment of representative networks of marine protected areas by 2012 and time/area closures for the protection of nursery grounds and periods. That has not been done. The Plan called for the elimination of subsidies that contribute to illegal, unreported and unregulated (IUU) fishing and to overcapacity. That has not been done. The Plan called for the implementation of the 1995 FAO Code of Conduct for Responsible Fisheries, together with its

related four international plans of action for the management of fishing capacity, the conservation and management of sharks, the reduction of incidental catch of seabirds in longline fisheries, and the prevention, deterrence and elimination of IUU fishing. That has not been completed.

We look forward to work at Rio on climate issues. With respect to oceans, we would welcome the adoption of a global ocean carbon strategy, including the protection of blue carbon sinks such as mangroves, salt marshes, sea grasses and coral reefs. We note the importance of applying marine spatial planning and of networks of marine protected areas. We would welcome robust study and understanding of the potential effects of ocean acidification on marine biodiversity that lead to measures to build resilience into marine ecosystems and to more fully inform climate change policy.

We look forward to a discussion of marine renewable energies at the thirteenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea next year, as we believe it is important to ensure a balance between the promotion of renewable energy and marine renewable energy technologies and the conservation of marine biodiversity and the minimization of environmental impacts on the marine environment.

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

The Assembly will take action on draft resolution A/66/L.21 at a later date to be announced.

We turn now to draft resolution A/66/L.22. The Assembly will take action on the draft resolution, 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 now give the floor to the representative of the Secretariat.

Mr. Zhang Saijn (Department for General Assembly and Conference Management): I wish to announce that since the issuance of draft resolution A/66/L.22, the following countries have also become

sponsors: Belgium, Cameroon, Costa Rica, Denmark, Honduras, Monaco, the Netherlands, Palau, Papua New Guinea, the Philippines, Portugal, Romania, Slovenia, Tuvalu and Ukraine.

The Acting President (*spoke in Spanish*): May I take it that the Assembly decides to adopt draft resolution A/66/L.22?

Draft resolution A/66/L.22 was adopted (resolution 66/68).

The Acting President (*spoke in Spanish*): Before giving the floor to speakers in explanation of position following the adoption of the resolution, may I remind delegations that explanations are limited to 10 minutes and should be made by delegations from their seats.

Mr. Díaz Bartolomé (Argentina) (*spoke in Spanish*): Argentina joined the consensus for the adoption of resolution 66/68. However, we wish to state once again that none of the recommendations contained in that resolution can be interpreted as meaning that the provisions of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted in New York in 1995, can be considered as binding on those States that have not expressly indicated their consent to abide by the obligations under that Agreement.

Resolution 66/68 contains paragraphs relating to the implementation of the recommendations of the Review Conference on the Agreement. Argentina is of the view that those recommendations cannot be considered applicable, even as recommendations, to States that are not party to the Agreement. Furthermore, that is particularly relevant in the case of States that have dissociated themselves from those recommendations, as has the Argentine Republic. Therefore, as it did at the Assembly's sixty-fifth session, Argentina dissociates itself from the Assembly's consensus with regard to the paragraphs of the resolution that refer to the recommendations of the Review Conference on the 1995 Fish Stocks Agreement.

At the same time, Argentina wishes to point out that current international law does not enable regional fisheries management organizations or arrangements or their member States to adopt any type of measure with

respect to vessels whose flag States are not members of such organizations or arrangements or have not explicitly consented to the application of such measures to their flag vessels. Nothing in the resolutions of the General Assembly, including the one just adopted, can be interpreted in a manner contrary to that conclusion.

In addition, the unmistakable legal framework for the implementation of conservation measures and the conduct of scientific research or any other activity recommended in Assembly resolutions — in particular resolution 61/105 and concordant resolutions — is the international law of the sea in force, as reflected in the Convention, including its article 77 and Part XIII. The implementation of such resolutions therefore cannot be claimed as supposed justification for denying or ignoring the rights established under the Convention. Nothing in that resolution or in others of the General Assembly can affect the sovereign rights of coastal States over their continental shelf or the exercise of jurisdiction by coastal States with regard to their continental shelf, in conformity with international law.

Paragraph 123 of the resolution just adopted contains an extremely relevant reminder of that concept, which is already reflected in resolution 64/72. In the same vein, paragraph 124 recognizes the adoption by coastal States, among them Argentina, of measures to address the impacts of bottom fishing on vulnerable marine ecosystems on the whole extent of their continental shelf, as well as their efforts to ensure compliance with those measures.

Finally, I wish to reiterate that the growing divergences with regard to the contents of the resolution on sustainable fisheries seriously compromise the possibility of its being adopted by consensus at future sessions.

Mr. Şahinol (Turkey): With regard to resolution 66/68, I would like to state that Turkey is fully committed to the conservation, management and sustainable use of marine living resources and attaches great importance to regional cooperation to that end. In that context, Turkey supported the resolution. However, Turkey dissociates itself from references made in the resolution to international instruments to which it is not a party. Those references should therefore not be interpreted as a change in the legal position of Turkey with regard to those instruments.

Ms. Leal Perdomo (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The Bolivarian

Republic of Venezuela wishes to explain its position on resolution 66/68, on 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.

Venezuela reaffirms before the General Assembly its commitment to cooperating in initiatives and efforts intended to foster coordination on issues related to sustainable fisheries. However, as we have previously stated in the Assembly, and maintaining the reasons that have prevented Venezuela from becoming a party to the United Nations Convention on the Law of the Sea and to the 1995 Agreement on the Implementation of the Provisions of that Convention, my delegation confirms the traditional position of the Bolivarian Republic of Venezuela as having reservations with respect 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, and related instruments, in the context of the resolution that the Assembly has just adopted.

The Acting President (*spoke in Spanish*): We have heard the last speaker in explanation of position after the adoption.

I give the floor to the representative of Brazil.

Mrs. Pessôa (Brazil): Brazil is a sponsor of resolution 66/68, on sustainable fisheries. Like others, we wish to put on the record our appreciation of the remarkable way in which the consultations were conducted by Ms. Holly Koehler of the United States. We wish her all the best in her new endeavours. We also welcome Ms. Alice Revell of New Zealand as the new coordinator. She proved her worth in moderating the workshop on bottom fishing earlier this year.

We welcome the outcome of the review by the General Assembly of the implementation of paragraphs 80 and 83 to 87 of resolution 61/105, as well as paragraphs 117 and 119 to 127 of resolution 64/72, which address the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks.

The sustained role of the General Assembly in monitoring the implementation of those commitments has proved instrumental in stimulating action to

comply with internationally agreed commitments. Those commitments are certainly not new, as some date back to the United Nations Conference on Environment and Development in Rio in 1992. That is the case with impact assessments.

The review showed that some progress in this respect has been achieved, but procedures still have to be strengthened, for both carrying out those assessments and making them publicly available. This is not a new requirement either, as it was already reflected in Principle 10 of the Rio Declaration on Environment and Development, which states, *inter alia*, that States shall facilitate and encourage public awareness and participation by making information widely available.

Brazil is a committed party to the 1995 Fish Stocks Agreement and is convinced of the relevance of the Agreement to the sustainability of straddling and highly migratory fish stocks. Nevertheless, Brazil remains concerned that the mechanisms under Part VII of the Agreement, especially the Assistance Fund established therein, have thus far fallen short of the expectations of developing countries.

In that respect, even though we have learned from the Secretariat that financial commitments have been recently made, the report circulated in February on the status of the Assistance Fund disclosed the disturbing news that it then had a negative balance of \$11,400. If there ever was an illustration of how a purpose can be defeated, this is it. We therefore expect that the appeal contained in paragraphs 30 and 31 of resolution 66/68 will be duly heeded by donor countries.

Finally, I was remiss this morning in not thanking Ms. Revell of New Zealand and Mr. Robert Borje of the Philippines for facilitating the informal deliberations on section X, on marine biodiversity, of the omnibus draft resolution A/66/L.22

The Acting President (*spoke in Spanish*): May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (b) of agenda item 76?

It was so decided.

The Acting President (*spoke in Spanish*): The Assembly has thus concluded this stage of its consideration of sub-item (a) of agenda item 76 and of agenda item 76 as a whole.

The meeting rose at 5.45 p.m.