President: Mr. Ali Abdussalam Treki ........................... (Libyan Arab Jamahiriya)

In the absence of the President, Mr. Tommo Monthe (Cameroon), Vice-President, took the Chair.

The meeting was called to order at 6.10 p.m.

Agenda item 76 (continued)

Oceans and the law of the sea

(a) Oceans and the law of the sea

Reports of the Secretary-General (A/64/66, A/64/66/Add.1 and Add.2)

Report on the results of the assessment of assessments (A/64/88)


Report on the work of the Ad Hoc Working Group of the Whole to recommend a course of action to the General Assembly on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects (A/64/347)

Draft resolution (A/64/L.18 and Corr.1)

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

Report of the Secretary-General (A/64/305)

Draft resolution (A/64/L.29)

Mr. Pálsson (Iceland): The United Nations Convention on the Law of the Sea provides the legal framework for all deliberations on the oceans and the law of the sea. Iceland welcomes the recent ratifications of the Convention, which bring the total number of States Parties to 160, as well as the signals of further ratifications in the near future. By ratifying and implementing the Convention, the international community sustains and promotes a number of its most cherished goals. 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 Law of the Sea Convention are all functioning well. The Commission on the Limits of the Continental Shelf has received submissions from more than 50 coastal States — my own country included — regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles. Further submissions are expected in the near future.
My delegations notes with satisfaction the progress in the work of the Commission but shares the concern expressed in the draft resolution on oceans and the law of the sea that the heavy workload of the Commission places additional demands and challenges on its members and on the United Nations Division for Ocean Affairs and the Law of the Sea (DOALOS). Iceland supports the decision of the nineteenth Meeting of States Parties to the Convention to continue to address, as a matter of priority and through an informal working group, issues related to the workload of the Commission, including funding for its members to attend Commission sessions. In order to enable the Commission to consider the high number of submissions in an efficient and timely manner, the Commission should have the possibility of meeting more often and holding longer sessions in New York.

Everything must be done to preserve the integrity of the Law of the Sea Convention. Unfortunately, there has been lack of appreciation in some forums of the nature of the rights of the coastal State with regard to its continental shelf. In order to address this, it was considered appropriate to include a paragraph in the draft resolution on oceans and the law of the sea that refers to article 77, paragraph 3, of the Convention and spells out that the rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation. The rights of the coastal State are, in other words, inherent rights and are not dependent on a submission to the Commission or recommendations by the Commission, which are technical in nature and do not address the legal entitlement of the coastal State to control its continental shelf.

The United Nations Fish Stocks Agreement is of paramount importance, as it strengthens considerably the framework for conservation and management of straddling and highly migratory fish stocks by regional fisheries management organizations (RFMOs). The effectiveness of the Agreement depends on its wide ratification and implementation. We therefore welcome recent ratifications of the Agreement, which bring the number of States parties to 77. My delegation looks forward to the resumed Review Conference in May next year, which will serve to promote wider participation in the Agreement and to strengthen its implementation.

My country participated actively in the negotiations within the Food and Agriculture Organization of the United Nations (FAO) on the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing. The Port State Agreement is the first global treaty focused specifically on the problem of IUU fishing. We welcome its approval and opening for signature last month. The objective of the Agreement is to combat IUU fishing through the implementation of effective port State measures, and thereby to ensure the long-term conservation and sustainable use of living marine resources and marine ecosystems.

Under customary international law, the coastal State enjoys full territorial sovereignty over its internal waters. Consequently, foreign vessels’ rights to access a State’s ports are subject to the State’s permission. An exception only applies in the case of force majeure or distress. Although port State measures are clearly one of the most powerful and cost-effective means of combating IUU fishing, there has been lack of coherent application of such measures by port States. While many States have closed their ports to vessels that have engaged in IUU fishing, others States have continued to provide such vessels with services in their ports, thereby supporting illegal activity. To remedy this situation, the international community, including the General Assembly, has called for a legally binding international instrument on minimum standards for port State measures. The Port State Agreement provides minimum standards for such measures and describes both the measures as such and the conditions for them to be taken. Iceland, which has signed the Agreement and plans to ratify it soon, encourages other States to do the same, with a view to the early entry into force of the Agreement.

This fall, the General Assembly conducted a review of actions taken by States and RFMOs regarding bottom fisheries and the protection of vulnerable marine ecosystems from destructive fishing practices, as called for in its sustainable fisheries resolution 61/105. In our view, that review, which was conducted in a constructive manner and was greatly facilitated by the report of the Division for Ocean Affairs and the Law of the Sea in cooperation with FAO, was very successful. Iceland fully endorses the paragraphs of the draft resolution on sustainable fisheries relating to this important issue. The draft resolution welcomes, among other things, the important progress made in implementing the relevant paragraphs of resolution 61/105 and in addressing the
impact of bottom fishing on vulnerable marine ecosystems.

My country attaches great importance to the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. The Consultative Process is a unique forum for comprehensive discussions among stakeholders and a host of disciplines related to oceans and the law of the sea, consistent with the framework provided by the Law of the Sea Convention and Chapter 17 of Agenda 21. We look forward to the eleventh meeting of the Consultative Process in June next year, which will focus its discussions on the important issue of capacity-building, including marine science.

My country also welcomes the start-up of the first cycle of the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects, which is endorsed in the draft resolution on oceans and the law of the sea. The course of action set out in the draft resolution, allows for the necessary preparatory work to be conducted in the first year so as to have the first fully integrated assessment of the regular process completed by the year 2017.

We look forward to the reconvening of the Ad Hoc Working Group of the Whole at the end of August 2010 to further consider and make recommendations to the General Assembly at its sixty-fifth session on the modalities for the implementation of the regular process. To ensure a successful outcome of the meeting, my delegation encourages all States to use the opportunity to submit their views to the Secretary-General on the fundamental building blocks of the regular process, as called for in the draft resolution on oceans and the law of the sea.

As a final note, Iceland should like to emphasize that the vast seas of the Arctic region are indeed vital and vulnerable components of the environment and climate system of the Earth. The Arctic Ocean should continue to be a priority area for research in the area of climate change. In that regard, the role and responsibility of the Arctic Council and its eight member States should continue to be recognized.

Mr. McLay (New Zealand): Given its history, its location and its extensive coastline, New Zealand has a strong interest in the ocean and its resources. The ocean has always played an important part in the economic, social and cultural life of our country. We are also very conscious of the very great significance of the oceans to our near neighbours, Australia and the small island States of the Pacific, with whom we work very closely, both in this Organization and in the region, particularly in the Pacific Islands Forum and, in the fisheries context, in the Forum Fisheries Agency and in the Western and Central Pacific Fisheries Commission. We have long recognized the growing threats to the long-term health of our oceans and share the common objective of sustainably harnessing the value of the marine resources in our region and ensuring their conservation.

The Pacific Ocean is a globally important and precious ecosystem, with a high concentration of vulnerable marine ecosystems, including coral reefs, deep water corals, hydrothermal vents and underwater seamounts. It is also an area of rich fishery resources, which are crucial to the livelihood of Pacific nations. For all these reasons, we attach great importance to the annual draft resolutions on sustainable fisheries and on ocean and the law of the sea that are considered by this Assembly.

This year, the informal consultations on the draft resolution on sustainable fisheries (A/64/L.29) focused on the review of the implementation of the bottom-fishing provisions in General Assembly resolution 61/105. We were pleased to participate in that review and welcomed the open discussions among participating countries about the extent to which that resolution has been implemented in various parts of the world, including the Pacific.

The review confirmed that significant efforts have been made by regional fisheries management organizations (RFMOs) and arrangements, and by States participating in negotiations to establish RFMOs, to give effect to that resolution. But it is also very clear that there is some distance to go before it can be said that the resolution has been implemented fully, or even adequately. We remind this Assembly that the clear import of resolution 61/105 was that, if the steps called for in paragraphs 83, 85 and 86 were not carried out within the timeframes specified, then bottom fishing should not proceed. For these reasons, we support the reaffirmation, in this year’s draft resolution, of the key elements of resolution 61/105; and we welcome the emphasis placed on taking action consistent with the International Guidelines for the Management of Deep-sea Fisheries in the High Seas developed by the Food and Agriculture Organization of
the United Nations. We also support the decision to hold a further review in 2011 of the implementation of the bottom-fishing provisions of resolution 61/105 and of the action that will be taken on the basis of this year’s draft resolution.

We are pleased that this year’s draft resolution also welcomes the adoption of the Convention on the Conservation and Management of High Seas Fishery Resources of the South Pacific Ocean. Together with the other sponsors, Australia and Chile, New Zealand put a major effort into the negotiations leading to the adoption of that Convention, which establishes the South Pacific Regional Fisheries Management Organization. The Convention provides for the conservation and management of non-highly migratory fishery resources of the high seas of the South Pacific. It builds on the United Nations 1995 Fish Stocks Agreement and completes the essential international framework for managing the high seas fishery resources of the South Pacific, complementing the three agreements dealing with the highly migratory species of the region: the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, the Convention for the Establishment of an Inter-American Tropical Tuna Commission and the Convention for the Conservation of Southern Bluefin Tuna. We look forward to the entry into force of the new Convention and to working with others in this important new organization. We also take this opportunity to acknowledge the recent ratification of the United Nations Fish Stocks Agreement by Tuvalu and Indonesia, and we encourage others to become party to that Agreement as well.

New Zealand values the primacy of the 1982 United Nations Convention on the Law of the Sea as the constitutional framework for human interaction with the world’s oceans and seas. The increasing number of States parties to the Convention illustrates its relevance, maturity and growing universality. New Zealand has been fortunate to be among the first countries to make submissions to the Commission on the Limits of the Continental Shelf, and was, in effect, one of the first to have its submissions fully considered and to receive recommendations from the Commission. Because of the large number of submissions that have now been lodged with the Commission, we know that others face much longer waiting times. We are very aware of the considerable workload now faced by the Commission and are concerned at the implications for the timely consideration of submissions. It is important that they be considered within a timeframe that ensures that relevant expertise will still be available to submitting States, and we express our support for the work of the Informal Working Group on this issue.

An issue of great importance to New Zealand is the impact on the marine environment of pollution, physical degradation and climate change. New Zealand urges the United Nations Conference on Climate Change in Copenhagen to deliver an effective and successful global response to climate change. We welcome efforts, in the context of the draft resolution on oceans and the law of the sea (A/64/L.18), to address emerging issues, such as ocean acidification, and to reiterate that ocean fertilization activities — other than for legitimate scientific research — should not be allowed under current circumstances. We welcome the fact that next year’s topic for the United Nations Informal Consultative Process on Oceans and Law of the Sea will be capacity-building in ocean affairs and the law of the sea, including marine science. We look forward to an inclusive and cooperative meeting where the views of all are considered.

Providing adequate resources for the monitoring and assessment of coastal waters and exclusive economic zones remains a challenge for many countries. Efforts that improve our collective ability to assess, analyse and integrate information on the marine environment at the global level must continue. We hope the modalities for the implementation of the regular process for global reporting and assessment of the state of the marine environment can make progress before the start of the sixty-fifth session of the General Assembly.

We also look forward to the reconvening 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. We trust that the meeting will serve as a means for States to pursue further their collective work on a balanced range of issues related to that subject.

With its near neighbours in the Pacific, New Zealand shares a common heritage and tradition, which includes a strong economic, social, cultural and environmental interest in the ocean that surrounds us and in its resources, much of which manifests itself in the Convention on the Law of the Sea and other
instruments, in regional and other organizations, and in resolutions and drafts of the type now before this Assembly. We value international cooperation and agreement on these critical issues, and they will therefore have our continuing support.

Mr. Appreku (Ghana): First, the Ghana delegation wishes to align itself with the statement delivered by the representative of Benin on behalf of the African Group. I would now like to make some additional comments in my national capacity.

My delegation wishes to express its appreciation to the Secretary-General for his very comprehensive and forward-looking reports (A/64/66 and A/64/305). We also wish to place on record our recognition of the diligent efforts made by the coordinators of the draft resolution on oceans and the law of the sea (A/64/L.18) and the draft resolution on sustainable fisheries (A/64/L.29).

The Ghana delegation further acknowledges the important work of the co-Chairpersons of the Informal Consultative Process and the Ad Hoc Working Group of the Whole in leading the discussions reflected in the other reports being considered under agenda item 76 (A/64/88, A/64/131 and A/64/347), which have contributed in no small measure to enriching the text of the two draft resolutions before this Assembly today. As always, Member States have benefited from the valuable support of the Division for Ocean Affairs and the Law of the Sea in achieving these positive outcomes.

Bearing in mind that the United Nations Convention on the Law of the Sea (UNCLOS) promoted the idea of the sea as a common heritage of mankind, the draft resolutions under consideration today represent compromises reached after tough negotiations and exemplify the essence of the United Nations as a forum for reaching accommodation that places our common interests above countries’ own interests.

Ghana remains committed to upholding the commitments and obligations it assumed on becoming a State party to UNCLOS, a Convention that underpins a delicate balance achieved by the international community in an effort to enhance the safety and security of the seas and ensure the sustainable use and exploitation of the resources of the oceans. In this spirit, Ghana will continue to play an active part in the work of the International Seabed Authority, including in the negotiations aimed at finalizing the text of draft regulations on polymetallic sulphides and other measures to ensure sustainable exploitation of the marine environment in the area.

This year, Ghana presented its submission to the Commission on the Limits of the Continental Shelf, pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea, but is yet to have its submissions considered and examined by a Subcommission. Ghana appreciates the Commission’s own current efforts to improve its working methods in order to reduce its workload. However, we believe that greater attention should be given to the ongoing discussions in the Informal Working Group established by the nineteenth Meeting of States Parties to the Convention on the Law of the Sea held this year, aimed at achieving consensus on ways to ensure that the Commission is able to clear the current huge backlog in its workload, including abridging the estimated time for the setting up of Subcommissions — which, in the case of Ghana, is projected to be not earlier than 2020.

Addressing the question of the Commission’s workload will facilitate the exploitation of resources in the areas beyond national jurisdiction, and will justify the investment made by relevant coastal States in preparing and making their submissions. The idea of asking nominating States to shoulder the extra cost or financial burden that may result from any steps taken to expedite the work of the Commission — such as increasing the number of meetings of the Commission, or converting the members’ status from part-time to full-time — does not seem to be an attractive or equitable solution. For one thing, Commission members are mandated to serve the interests of the international community as a whole. However, the majority of submissions the Commission has examined so far have been submissions made by developed countries and the recommendations issued generally in favour of those countries.

The outreach programmes undertaken by the Secretary-General of the International Seabed Authority, as well as those initiated by the President of the International Tribunal for the Law of the Sea, seek to explain and create awareness about their mandate and the challenges they face and are worthy of commendation. More resources will be required to enable the institutions established under UNCLOS to function more effectively and efficiently.
Ghana hosted some of the regional consultations that led to the adoption of the Food and Agriculture Organization of the United Nations (FAO) International Plan of Action for implementing the guidelines relating to the fight against illegal, unregulated and unreported fishing, as well as the recently approved Agreement on that subject. We also continue to subscribe to the FAO Code of Conduct for Responsible Fisheries.

We are also committed to combating organized crime and unlawful uses of the oceans, such as piracy, drug and human trafficking, illicit trafficking in small arms and the dumping of hazardous waste. To that end, Ghana has been involved with the adoption and implementation of the Economic Community of West African States Plan of Action to combat drug trafficking in West Africa, as well as the West African Coast Initiative, in collaboration with the United Nations Office on Drugs and Crime (UNODC) and other agencies.

The successful rescue, a few days ago, by Ghanaian naval and other law enforcement authorities of a pirated oil vessel from a neighbouring country underscores the importance of regional and subregional cooperation, with a view to enhancing our collective ability to honour our international obligations to ensure safety and security at sea and the sustainable use of ocean resources, through the adoption of appropriate conservation and management measures. In this regard, Ghana will continue to pay serious attention to the Memorandum of Understanding on Port State Measures for West and Central Africa, as well as make use of its membership in regional and international fisheries and maritime bodies, such as FAO and the International Maritime Organization, among others. Mindful of its obligations under international law, in particular UNCLOS, the Government of Ghana is taken leaving no stone unturned to ensure due diligence in the exploitation of recent offshore oil discoveries, including putting in place appropriate environmental impact assessment standards to ensure that the production of oil and gas does not lead to avoidable damage to the marine environment, or have a negative impact on the livelihoods of local fishing communities in the catchment areas of those oilfields.

We cannot overemphasize the imperative need for international assistance in building national capacities to ensure more effective fulfilment of our international obligations. This includes adequately equipping national navies and environmental authorities in order to enhance our ability to monitor crimes or otherwise improper and unsustainable uses of the ocean. The Regional Maritime University, located in Ghana, may prove useful in this regard.

Ghana is also committed to the peaceful settlement of disputes on matters arising from the use and navigation of the oceans, and to the promotion of respect for the rule of law in the oceans. We join other delegations in calling for urgent attention to be given to capacity-building and marine scientific research, as well as information-sharing and research into the link between climate change and the oceans.

The need for greater coordination and cooperation, as well as an integrated approach to ocean governance at the intergovernmental and inter-agency levels in order to avoid duplication of effort, has been justifiably stressed in the Secretary-General’s reports, as well as in the other reports on the outcome of the Informal Open-ended Consultative Process and the regular process.

I wish to conclude by underscoring the critical importance Ghana attaches to the guiding principles and general considerations contained in decision 7/1 of the Commission on Sustainable Development, aimed at avoiding a multiplicity of new and competing initiatives, institutions and processes, as well as at having due regard for the United Nations Convention on the Law of the Sea, which sets the overall framework within which all activities relating to oceans and the seas must be considered. In this context, Chapter 17 of Agenda 21 should remain the fundamental basis for our programme of action for achieving sustainable development relating to oceans and the seas.

With these guiding considerations in mind, we welcome the States that have become parties to UNCLOS during the reporting period, which constitutes progress towards universal participation in the Convention.

Mr. Aminu (Nigeria): Nigeria is both a coastal and a port State. My delegation therefore attaches great importance to all issues relating to the oceans and seas, since large populations worldwide, especially in the developing world, depend on resources from those sources for their livelihood. It is also for this reason that we continue to emphasize that the sustainable development and economic stability of my country and
many others are inextricably linked to the health of the seas and oceans.

It is equally true, on the other hand, that the health of the oceans depends on the effective enforcement of the international legal framework contained in the Charter of the United Nations, the United Nations Convention on the Law of the Sea, agreements relating to its implementation, the 1995 Fish Stocks Agreement and other conventions. We therefore call for urgent and concerted efforts to build the capacity of developing countries in this area. As long as imbalances in any form exist in any part of the world, no matter how remote or insignificant, they are bound to manifest themselves in other parts and could jeopardize or even destroy the gains already made. These considerations informed the recent ratification by Nigeria of the United Nations Fish Stocks Agreement.

My delegation aligns itself with the statement delivered on behalf of the African Group. We thank the Secretary-General for his report contained in document A/64/66. It provides information regarding the tenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, held from 17 to 19 June 2008, as well as general information on the law of the sea. Nigeria supports the continuation of the Consultative Process. We see it as a vital forum at the international level that deals with issues pertaining to the oceans and provides substantive inputs for understanding them better. It has, however, become necessary and urgent to find effective ways of actualizing the Process’s outcomes, especially in the areas of capacity-building, technology transfer and the sharing of scientific knowledge.

There are a number of wrong practices that remain some of the immediate and major challenges to the international community, and these challenges must be resolved. Among these are unregulated and unreported fishing, pollution from ships, the smuggling and trafficking of persons by sea, illicit trading in narcotic drugs and psychotropic substances, illicit traffic in arms, including weapons of mass destruction, terrorist acts involving ships, piracy and armed robbery against ships, and intentional and unlawful damage to the marine environment, as well as their social, economic and political impacts. All these remain important issues, each of which needs to be discussed separately and to be immediately resolved. For example, in the case of the issue of piracy, even my country has not escaped its impact, far as we are from the coast of Somalia.

Obviously, another equally important challenge is climate change and global warming together. Both are the direct result of man’s activities on Earth. They now constitute the gravest threat to the continued existence of humankind. In this area, as well as in other challenging areas, we must continue to build on our past efforts to counter them in a relentless, comprehensive and cooperative manner.

It is also essential for the international community to provide assistance to the developing coastal States, upon their request, in enhancing their capacity at the national, regional and subregional levels to monitor and patrol their territorial and adjacent waters in order to prevent and combat crimes and other illicit activities.

For Nigeria, the seabed, the ocean floor, the subsoil and the resources thereof, living and non-living, in areas beyond national jurisdiction constitute the common heritage of mankind, and the benefits arising therefrom should accrue to the entirety of humankind as a whole, and not on a first-come-first-served basis.

The issue of the workload of the Commission on the Limits of the Continental Shelf is also a matter of grave concern to many delegations, including ours, especially bearing in mind that our Governments have committed enormous human and material resources to preparing appropriate submissions to the Commission for the extension of our respective continental shelves. However, in view of the meagre resources available to the Commission, the consideration of submissions is unfortunately expected to last many years. To avoid this undesirable scenario, we solemnly call for the concerted efforts of Member States to empower the Commission with enhanced human and material resources to facilitate its all-important assignment. In this connection, we note the efforts being made by the informal working group of the bureau of the nineteenth Meeting of States Parties to the United Nations Convention on the Law of the Sea, and encourage all Member States to support the efforts of the Commission and the bureau.

Ms. Valère (Trinidad and Tobago): Trinidad and Tobago welcomes the various reports of the Secretary-General on oceans and the law of the sea, sustainable fisheries and other issues pertaining to the management
and sustainable use of the resources of our oceans and seas, which are the subjects of agenda item 76. We also align ourselves with the statement delivered this morning by the delegation of Jamaica on behalf of the Caribbean Community on specific aspects of those reports.

The United Nations Convention on the Law of the Sea not only sets out the legal framework for the effective management and governance of living and non-living marine resources, but also grants coastal States sovereignty or sovereign rights over the exploration or exploitation of these resources. Beyond areas of national jurisdiction, the Convention sets out the framework for cooperation among States in different activities. This annual debate is an opportune moment for delegations to assess the state of implementation of different resolutions which, among other things, have been adopted with the aim of improving cooperation among States within the ambit of the Convention and other international legal instruments.

The Convention provides for the sustainable use of our fisheries. Consequently, States parties have an obligation to implement articles 61 and 62 on the conservation and utilization of the living marine resources within their national jurisdictions. Notwithstanding the best efforts of developing States like Trinidad and Tobago to conserve and manage these resources, our fisheries are under threat by destructive fishing practices, such as illegal, unreported and unregulated fishing, which continues to have a deleterious effect on our ability to conserve and manage our fish stocks. We therefore call upon all States to recommit to the implementation of the International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations. The effective implementation of the Plan of Action would assist in reversing the rapid decline in global fish stocks.

In 2006, Member States, after extensive negotiations, adopted General Assembly resolution 61/105 on the question of bottom fishing. The adoption of the resolution came about due to a number of concerns, one of which was the impact of this destructive fishing practice on vulnerable marine ecosystems.

In his report (A/64/305) on the implementation of resolution 61/105, the Secretary-General found that more work has to be done to fully implement the resolution. Trinidad and Tobago therefore joins previous speakers who have called for more effective and sustained implementation of resolution 61/105 in an effort to reduce the threat posed by bottom fishing on vulnerable marine ecosystems.

The United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea has provided a useful opportunity for Member States to exchange views on diverse issues affecting our oceans and seas. Trinidad and Tobago has made its contribution to the Consultative Process by participating in its annual deliberations. We have also provided experts to serve on its panels dealing with issues such as maritime safety and security. For us, there is a lot to be gained from this exercise as it relates to sustainable development.

We therefore welcome the decision taken at the tenth meeting in June of this year on the theme for next year’s meeting, which is “Capacity-building in ocean affairs and the law of the sea, including marine science”. Trinidad and Tobago looks forward to discussions on this topic, since the issue of capacity-building is critical for many developing countries seeking to tackle serious issues affecting the marine environment, including climate change. Moreover, we wish to reiterate that any discussion on capacity-building must include the question of the transfer of technology, consistent with the principle of cooperation among States that is envisioned in the Convention.

As it relates to the work of the institutions established by the Convention and referred to in the report of the Secretary-General, we wish to indicate that the Commission on the Limits of the Continental Shelf is at a critical juncture in its existence. Article 76 of the Convention empowers the Commission to receive information from coastal States seeking to establish the outer limits of their continental shelf. While we commend the Commission for the work it has done so far in discharging its duties, we are very concerned about its current workload and the limited amount of resources at its disposal to examine submissions in a timely manner and to make recommendations to States that have made such submissions pursuant to article 76, paragraph 8, of the Convention. We are equally concerned over the fact that, based on the projected work programme of the
Commission, submissions may be considered as late as 2028.

We find this situation to be most unsatisfactory and contrary to our legitimate expectation that the submission of a State party would be considered during a reasonable period, thereby allowing it to establish the outer limits of its continental shelf and thus be in a position to explore and exploit the natural resources of the continental shelf. In this regard, urgent action must be taken to provide more resources for the Division for Ocean Affairs and the Law of the Sea, which serves as the secretariat of the Commission.

We also call on States to work assiduously in the context of the informal working group that was established to address the workload of the Commission with a view to devising practical solutions to enable the Commission to carry out its mandate more efficiently and effectively.

Trinidad and Tobago is of the view that the provisions of Part XI of the Convention now form part of customary international law. Consequently, the international community has a responsibility to ensure that the provisions of this Part of the Convention are fully implemented. Of tremendous importance to us is the work currently being done by the International Seabed Authority to administer the Area and its resources beyond national jurisdiction, which is defined as the common heritage of mankind. As we seek to enjoy the benefits of this important maritime zone, we wish to reiterate previous calls for all States to become involved in the ongoing negotiations at the annual sessions of the Authority that are aimed at concluding legal codes for prospecting and exploration of the mineral resources in the Area.

As we begin to prepare for 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, to be convened in February next year, Trinidad and Tobago is of the view that there is no governance or regulatory gap concerning marine biodiversity found in areas beyond national jurisdiction. For us, these resources are found in the Area and are a part of the common heritage of mankind. In this vein, we therefore see a role for the Authority in administering these resources on behalf of the international community.

Trinidad and Tobago adheres to the principle of the peaceful settlement of disputes in resolving all disputes that arise in the interpretation and application of the provisions of the Convention. It is for this reason that we made a declaration under article 287 accepting the jurisdiction of the International Tribunal for the Law of the Sea as our preferred option to settle disputes arising from the interpretation and application of the provisions of the Convention. States parties must resolve to strengthen the capacity of this specialized judicial organ by availing themselves of its services. We commend President Jesus for his presentation made before the Sixth Committee during this year’s plenary session, which addressed issues relating to the work of the Tribunal.

In concluding, Trinidad and Tobago wishes to pay tribute to the Division for Ocean Affairs and the Law of the Sea for its sterling contribution to Member States in many critical areas governing oceans and seas, which are the subjects of today’s debate. We would also like to seize this opportunity to reiterate our commitment to work with other Member States in the coming year in various forums in order to safeguard our oceans and seas for future generations.

The Acting President (spoke in French): In conformity with General Assembly resolution 51/6 of 24 October 1996, I now give the floor to His Excellency Mr. Nii Allotey Odunton, Secretary-General of the International Seabed Authority.

Mr. Odunton (International Seabed Authority): It is my honour today to address the General Assembly for the first time as the Secretary-General of the International Seabed Authority. As members know, the Authority is one of the principal international institutions established under the 1982 United Nations Convention on the Law of the Sea and has been entrusted by the international community with the responsibility of organizing and controlling activities in the seabed and subsoil beyond the limits of national jurisdiction for the benefit of mankind as a whole.

I feel extremely privileged to have been invested with the responsibility of guiding the work of the Authority over the next four years, and wish to express my gratitude to Member States for the trust they have placed in me.

I wish to refer to the two draft resolutions before the General Assembly (A/64/L.18 and A/64/L.29) and express my appreciation to Member States for their
positive references to the work of the International Seabed Authority. I also wish to express appreciation for the very comprehensive reports of the Secretary-General (A/64/66 and Add.1 and Add.2) which, as usual, provide a rich source of detailed background material for our consideration.

I would like to take this opportunity to comment on operative paragraph 33 of draft resolution A/64/L.18, which takes note of the progress made by the Authority in its deliberations and urges the finalization of regulations for prospecting and exploration for polymetallic sulphides as soon as possible. I wish to inform the Assembly that, at its 2009 session, the Council of the Authority made excellent progress in tackling the outstanding issues with respect to the draft regulations. All delegations approached the discussions on the remaining issues with a positive spirit and with the intention of making substantive progress.

Although it was not possible to complete the work, only two issues remained outstanding at the end of the session. It was also clear that the lack of agreement on these issues was the result not of any lack of commitment, but rather of the complex legal and technical nature of the outstanding issues, which required more time and reflection for many members of the Council. I am confident that it will be possible to complete the work on the draft regulations at the next session in 2010, and I believe that all members of the Council are also committed to bringing this work to a conclusion.

I continue to believe that this is an important goal for the Authority. It is quite likely that one or more States will wish to pursue exploration licences in the near future, and it is essential in these circumstances that the regulatory framework not be delayed unnecessarily. Indeed, if seabed mining is to become a commercial reality, it is important that the Authority begin progressively to examine the issues relating to the nature of the regulatory framework that would apply beyond the exploration phase that were left pending as a result of the 1994 Agreement on Implementation of the Seabed Provisions of the Convention on the Law of the Sea, and begin to address some of the critical legal and financial questions that will eventually determine whether investment in the seabed mining industry will take place or not.

I am pleased to note that draft resolution A/64/L.18 places particular emphasis on two matters that are of great importance to the Authority. These are the issue of capacity-building in matters relating to ocean affairs and the law of the sea and the question of measures for the protection and preservation of the marine environment, including marine biological diversity, in areas beyond national jurisdiction.

The Authority is engaged in a number of efforts designed to help to strengthen the capacity of Member States, particularly developing States, to fully realize the objectives of the regime for the international seabed area. These efforts include a series of regional sensitization seminars aimed at promoting the work of the Authority and encouraging cooperation among countries in those regions in order to make full use of the resources of the deep seabed area. The third of these regional seminars was held in Abuja, Nigeria, in the first part of 2009. Like the previous event, held in Rio de Janeiro in 2008, the Abuja seminar was a great success, bringing together international scientific and technical experts, as well as a broad cross-section of technical personnel from Nigeria and neighbouring West African States. I would like to convey my appreciation to the Government of Nigeria for its initiative in deciding to host the seminar and for its excellent hospitality.

A further regional seminar is proposed for February 2010, to be hosted by the Government of Spain, and I would welcome discussions with any other Member States that may be interested in working with the Authority to ensure that the scientific, technical and legal skills necessary for the full realization of the objectives of the Convention are made available to developing countries.

My predecessor informed this Assembly of the establishment by the Authority of its Endowment Fund for the promotion of marine scientific research. I am pleased to report that, after putting in place the necessary administrative and practical arrangements, the Endowment Fund commenced its activities in earnest during 2009.

In 2009 alone, the Fund has provided training and research opportunities for more than 15 individuals from developing countries. The activities included support for three scientific fellowships at Woods Hole Oceanographic Institute in the United States, support for three research fellowships at the National Institute
of Oceanography of India, support for eight participants at the 2009 Rhodes Academy of Oceans Law and Policy and support for practical scientific training in deep-sea exploration techniques through the China Ocean Mineral Resources Research and Development Association. Last month, as a follow-up to the signature of a memorandum of understanding with the Authority, China announced that it will fund a postgraduate programme of study in marine science at Tongji University, Shanghai, for up to five candidates from developing States members of the Authority.

One of the remarkable aspects of the Fund has been the strong interest expressed by leading scientific and technical institutions around the world in collaborating with the Authority to provide training opportunities of this nature. This interest clearly indicates to me that there is a great willingness on the part of the scientific community worldwide to share its knowledge and experience for the benefit of the developing world. However, while the Authority can act as a catalyst in this regard, it is essential that the Fund grow over time so that it can adequately meet the very clear demand for enhanced capacity-building in the area of marine scientific research.

I would like to acknowledge with gratitude the Governments of Mexico and the United Kingdom, which made contributions to the Fund in 2008, and the Governments of Norway and Germany, which made substantial contributions to the Fund in 2009. I also wish to once again encourage Member States and others to contribute to the Fund or to discuss possible co-funding arrangements with the Authority, in order that qualified scientists from developing countries may continue to benefit from the broad range of potential opportunities available to them.

I turn now to the question of the protection and preservation of the marine environment. As all Member States are aware, this subject has always been a priority concern for the Authority. Concern for the marine environment is fully reflected in the exploration code for polymetallic nodules that has already been adopted by the Assembly, which requires contractors to collect environmental data and share it with the Authority, to carry out environmental studies of the conditions at the ocean floor, and progressively to conduct assessments of the impacts of their activities on the marine environment.

One of the major difficulties for the Authority and for any other institution dealing with the problems of managing biodiversity in the deep ocean is the lack of adequate data on which to base decisions. In this regard, the Authority’s major contribution has been its work over the past 12 years in collecting and standardizing available data relating to the deep-sea environment. This work has been carried out in collaboration not only with contractors, but also with leading scientists and relevant international research programmes, including the Census of Marine Life. As a global institution, the Authority is well placed to act as a repository for these data and, in accordance with its mandate under the Convention, to promote and encourage research programmes using these data and to disseminate the results for the benefit of all States.

The benefits to be had from the Authority’s methodical and systematic approach to this task are becoming increasingly clear. This month, we will conclude work on a geological model of the Clarion-Clipperton Fracture Zone in the central Pacific Ocean — a vast area that contains polymetallic nodules and which extends over 4,000 kilometres from East to West and 1,500 kilometres from North to South. This project, which has taken four years to complete, is the most comprehensive and detailed scientific study of the geology and environment of the seafloor ever to have been carried out. It will significantly enhance our understanding of the way in which mineral deposits form on the seafloor and how geochemical and geophysical conditions affect the marine environment at great depth.

Another major development in the work of the Authority was a proposal to set aside certain areas of the central Pacific Ocean for the purposes of protecting the environment and safeguarding biodiversity. This proposal, which was based on extensive scientific and geospatial analysis of the environmental characteristics of the areas concerned over a period of several years, was taken up by the Legal and Technical Commission in 2008 and 2009. The Commission has decided that what is needed is a comprehensive environmental management plan at the regional scale. Accordingly, one of the priority activities of the Authority in 2010 will be to convene an international workshop, to include representatives of contractors with the Authority as well as other scientists and experts, to further review the proposal and to advise on the formulation of an environmental management plan,
including a strategic environmental assessment at the regional scale, for the entire Clarion-Clipperton Zone.

The Authority is thus in a very real and practical way beginning to implement the global commitments that have been made by Member States to the protection and preservation of marine biodiversity.

Finally, I wish to remind all members of the Authority that it is their duty to attend and participate in the work of the Authority. In the past, considerable concern has been expressed in the Assembly regarding the timing of meetings of the Authority. In response to those concerns, which are also reflected in operative paragraph 36 of draft resolution A/64/L.18, and with the cooperation of the Department for General Assembly and Conference Management, we have in the past two years brought forward the annual meeting of the Authority in the expectation that there will be better attendance and that this will overcome the recurring problem of the lack of a quorum for the meetings of the Assembly of the Authority.

For 2010, we have proposed even earlier dates than usual, and I am pleased to announce that the sixteenth session of the Authority will be held in Kingston from 26 April to 7 May 2010. It will be preceded by a one-week meeting of the Legal and Technical Commission. I urge all member States to do their part in ensuring that they are represented at the meetings of the Authority in Kingston, especially as we have a number of important decisions to take at the next session.


Mr. Cohen (International Union for Conservation of Nature): The International Union for Conservation of Nature (IUCN) welcomes the draft resolutions put forward this year, which foresee a number of important meetings. The health of the oceans is crucial to the health of the planet and thus to human health and well-being. The Secretary-General noted in his message on World Oceans Day in June that human activities are taking a terrible toll on the world’s oceans and seas. My delegation shares this concern.

Climate change is a grave threat to our health and to our safety. The effects of climate change are already apparent in the world’s oceans, but these impacts have been largely ignored in climate discussions to date. We know that the world’s oceans are warming. This will cause fish species to migrate, as has already been observed with certain species, for example herring and pollock in the northern hemisphere, which have been found to be migrating pole-ward. Climate change is causing sea levels to rise as warming waters expand. Climate change is projected to cause shifts in ocean currents and in rainfall patterns. Combined with increasing freshwater from melting glaciers, this can trigger oxygen depletion in the deep sea and depleted productivity in the sunlit upper ocean.

Increasing concentrations of carbon dioxide dissolved in sea water are also causing acidification of the world’s oceans. If we continue on our current course of action, the change will be on the order of 100 per cent by century’s end. This acidification has profound implications for marine life. As marine life represents some 90 per cent of the Earth’s biomass, it is worrisome for all life on Earth, including ours. The oceans have not been so acidic in 800 million years.

Coral reefs have been identified by the Intergovernmental Panel on Climate Change as a key example of an ecosystem vulnerable to climate change. Even at the lowest predicted threshold of temperature increase, coral bleaching is expected. Reef scientists predict that irreversible and catastrophic decline of coral reefs will occur with a warming of 1.7 degrees Celsius. Ocean acidification will accelerate the destruction of these reefs. At a meeting in London earlier this year, coral scientists suggested that reefs were already seriously declining and that proposals to limit carbon dioxide levels to 450 parts per million in the atmosphere would not prevent a catastrophic loss of these reefs.

In June, 70 science academies from around the world released, through the Royal Society in London, an Inter-Academy Panel on Ocean Acidification statement in which they noted that the acidification of the world’s oceans, like climate change, is a direct consequence of increasing atmospheric carbon dioxide concentrations and that rapid and deep reductions in carbon dioxide emissions are our only viable solution to this problem.

Clearly, we need to reduce carbon emissions into the environment quickly and sharply to protect the world’s oceans, but there are other steps that we can take to build resilience. In recent weeks, IUCN has
published documents focused on oceans to provide advice to this end. These are available on our website. We must reduce existing stressors and protect marine and coastal environments to build ecosystem resilience. We must protect and enhance natural coastal carbon sinks, including tidal salt marshes, mangroves, seagrass meadows and kelp forests. At the same time, we must promote research and monitoring of the oceans’ role in the global carbon cycle.

We welcome progress on the establishment of a regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects, on a continual and systematic basis. Such assessments support informed decision-making and should contribute to managing human activities that affect the oceans in a sustainable manner, in the interests of all.

With respect to reducing other ocean stressors, we welcome language in draft resolution A/64/L.29 on sustainable fisheries that calls for the implementation of the precautionary approach and ecosystem approaches to the conservation, management and exploitation of fish stocks. We share the concern expressed in the draft resolution that although progress has been made with respect to bottom fishing, as called for in resolution 61/105, these actions have not been sufficiently implemented in all cases. Thus, further actions are necessary to strengthen implementation, and in particular to conduct assessments in advance of such fishing, to conduct further marine scientific research, and to use the best scientific and technical information available to identify areas where vulnerable marine ecosystems are known to occur or are likely to occur and to adopt conservation and management measures to prevent significant adverse impacts on such ecosystems or close such areas to bottom fishing until conservation management measures have been established.

This year, the five regional fisheries management organizations with competence to regulate highly migratory species met in San Sebastián, Spain, and agreed that global fishing capacity for tunas must be addressed and in a way that recognizes the legitimate rights of developing countries, in particular small island countries, to participate in and to benefit from these fisheries.

These concerns are well justified, and in this connection we note that the state of bluefin tuna stocks, particularly that of the eastern Atlantic, remains of grave concern. My delegation is deeply troubled that a quota agreed for the coming year was significantly higher than that recommended by the scientific advisory body of the relevant regional fisheries management organization. If fisheries are to be sustainable for this and future generations, management decisions will have to be based and implemented on the best available scientific advice. Otherwise, there is a real possibility that these stocks will cease to exist as a viable or sustainable fishery.

My delegation would welcome consideration of an integrated approach to assessments to better inform science and to better manage human impacts, including cumulative impacts, on the oceans. Such an approach could include a requirement to conduct environmental impact assessments for all activities likely to have impacts on the oceans that are more than minor or transitory.

Another approach that would clearly help to conserve and better manage the marine environment and ocean ecosystems would be to establish networks of marine protected areas. We are fast approaching 2012, by which time we agreed through the Johannesburg Plan of Implementation in 2002 to have established representative networks of marine protected areas. In this regard, we welcome the work that was done in Ottawa, Canada, under the Convention on Biological Diversity on scientific and technical guidance on the use of biogeographic classification systems and the identification of marine areas beyond national jurisdiction in need of protection, and we look forward to the implementation of this work to identify areas on the high seas for consideration of protection.

We also welcome steps taken by States to use Area closures to protect particularly vulnerable ecosystems and to conserve and manage fish stocks. The decision of the Commission for the Conservation of Antarctic Marine Living Resources to close a large area east of the Antarctic Peninsula is an excellent step towards representative networks. More needs to be done to establish networks of marine protected areas quickly, and we look forward to discussion at meetings under the General Assembly next year to promote this outcome.

In closing, I refer to the most recently updated IUCN Red List of Threatened Species, which shows
that over 17,000 species of the 47,000 assessed are threatened with extinction. For example, the results reveal that 32 per cent of open-ocean sharks and rays are threatened with extinction, primarily through overfishing. The 2010 target to reduce biodiversity loss will not be met. The scientific evidence indicates a growing threat of the risk of extinction of species, including marine. My delegation looks forward to working with others next year, the International Year of Biodiversity, as we identify and implement steps to protect marine biodiversity.

The Acting President (spoke in French): In accordance with General Assembly resolution 51/204 of 17 December 1996, I now call on His Excellency Mr. José Luis Jesus, President of the International Tribunal for the Law of the Sea.

Mr. Jesus: (International Tribunal for the Law of the Sea): It is a great honour for me to address this sixty-fourth session of the General Assembly on behalf of the International Tribunal for the Law of the Sea on the occasion of the consideration of the agenda item “Oceans and the law of the sea”. I take this opportunity to congratulate Mr. Ali Treki on his election as President of the General Assembly.

As an institution created by the 1982 United Nations Convention on the Law of the Sea, the Tribunal is very pleased to note that, in the current year, three more States have joined the Convention, bringing the total number of parties to 160. I take this opportunity to welcome Chad, the Dominican Republic and Switzerland as they become the newest States parties to the Convention.

As has been my practice, I shall report to the General Assembly on the developments concerning the Tribunal since I last addressed this body (see A/63/PV.64). I will also seize this opportunity to make a few comments of a general nature on the jurisdiction of the Tribunal.

As regards the membership of the Tribunal, I would like to inform the Assembly that, at a special meeting of States parties to the Convention held in New York on 6 March, Mr. Jin-Hyun Paik of the Republic of Korea was elected member of the Tribunal. The special meeting took place following the death of Judge Choon-Ho Park in 2008. Judge Paik was sworn in as a member of the Tribunal at a public sitting which took place on 16 March 2009. He will hold office for the remainder of his predecessor’s term, which ends on 30 September 2014.

Concerning the judicial work of the Tribunal, I would like to recall that, in December 2000, at the request of the parties, the Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean was submitted to a Special Chamber formed under article 15, paragraph 2, of the Statute of the Tribunal. In March 2001, the parties informed the Chamber that they had reached a provisional arrangement concerning the dispute and requested that the proceedings before the Chamber be suspended. The time limits in the proceedings were therefore extended by an order dated 15 March 2001. At the request of both parties, further extensions were decided by the Chamber in 2003, 2005 and 2007. The Special Chamber met in December last year and, in its order dated 11 December 2008, decided on a further one-year extension of the time limit for the submission of the pleadings in the case. The Chamber is scheduled to meet once again in Hamburg on 15 and 16 of this month.

In 2009, the Tribunal held its twenty-seventh and twenty-eighth sessions, which were devoted to judicial and legal matters, as well as to administrative and organizational issues. At its twenty-seventh session, on 17 March 2009 the Tribunal amended two articles of its rules relating to the posting of a bond or other financial security in prompt release proceedings. These amendments were introduced in order to facilitate the implementation of the decisions of the Tribunal in such cases. Under the amended articles, in cases of prompt release of vessels and crew, the Tribunal now has the option to determine that a bond or other financial security must be posted either with the detaining State or with the registrar of the Tribunal. Prior to these amendments, the rules of the Tribunal stipulated that the bond or other financial security had to be posted with the detaining State, unless the parties agreed otherwise. The text of the amendments introduced to articles 113, paragraph 3, and 114, paragraphs 1 and 3, are posted on the Tribunal’s website.

In addition, in order to assist parties in implementing the amended articles, the Tribunal issued on the same date guidelines concerning the posting of a bond or other financial security with the Registrar, the text of which is also displayed on our website.
With a view to facilitating the submission of disputes to the Tribunal, we have continued our efforts to promote knowledge about the Convention’s dispute settlement system and the procedures for the settlement of law of the sea disputes available at the Tribunal. In this context, in October the Tribunal organized another regional workshop, which was held in Cape Town, South Africa. Representatives from 12 States of the southern Africa region participated in the workshop. The workshop was organized in cooperation with the Government of the Republic of South Africa, the Friedrich Ebert Foundation and the International Foundation for the Law of the Sea.

On behalf of the Tribunal, I would like to seize this occasion to express our appreciation to the host country and to both foundations for their support and assistance. It is to be recalled that six other regional workshops have already been organized in different regions. A further regional workshop is planned for the South Pacific islands and is scheduled to take place in early 2010.

I would like to recall that the Convention provides States parties with different options for the settlement of disputes, the Tribunal being one of such options. Indeed, under article 287 of the Convention, States parties may select through a written declaration their preferred court or tribunal for the settlement of disputes. Of the current 160 States parties, 40 have filed declarations under article 287 of the Convention, and of those 40, 26 have chosen the Tribunal as the means or one of the means for the settlement of disputes arising out of the interpretation or application of the provisions of the Law of the Sea Convention.

The choice of procedure under article 287 of the Convention is of particular relevance since, if a State does not make such choice, it is deemed to have chosen arbitration under Annex VII of the Convention as the default procedure. In this respect, I am pleased to note that in 2009 two States parties, Switzerland and Angola, made declarations under article 287 by which they chose the International Tribunal for the Law of the Sea as the forum of choice.

It is to be hoped, as encouraged by the draft resolution contained in document A/64/L.18, that an increasing number of States will make such declarations. I am also pleased to note that even when States parties have not made declarations under article 287 on the choice of forum and, as a result, are subject to the Annex VII arbitral tribunal procedure, disputant parties may reach an agreement to transfer to the Tribunal their dispute initially submitted to Annex VII arbitration. Use has already been made of this possibility in two cases submitted to the Tribunal: the *M/V “SAIGA” (No. 2) Case (Saint Vincent and the Grenadines v. Guinea)* and the *Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/European Community)*. The advantages of doing so are multiple, from substantial cost reduction for the contending parties to the expeditious handling of cases in the judicial setting of a specialized jurisdiction.

I would like to recall that the jurisdiction of the Tribunal is not limited to disputes arising out of the interpretation or application of the Convention. As noted in the draft resolution, the Tribunal also has jurisdiction to entertain disputes concerning the interpretation or application of an international agreement related to the purposes of the Convention that is submitted to it in accordance with the agreement. In this context, I am glad to note that a growing number of such agreements relating, inter alia, to fisheries, marine pollution, conservation of marine resources and underwater cultural heritage make reference to the Tribunal as a means for the settlement of disputes that may arise therefrom.

Provisions conferring jurisdiction on the Tribunal are also being included in bilateral agreements related to law of the sea matters. The inclusion of jurisdictional clauses in such agreements may prove to be useful for easing tension between States, by providing a judicial mechanism for any disputant State to seek early judicial resolution of a dispute that may arise out of the interpretation or application of such bilateral agreements. In this regard, I am grateful to the sponsors of the draft resolution for noting with satisfaction the continued and significant contribution of the Tribunal to the settlement of disputes by peaceful means.

Once again, I thank the President for the opportunity to address this plenary. I also take this opportunity to thank the Secretary-General, the Legal Counsel and the Director of the Division for Ocean Affairs and the Law of the Sea for their continued cooperation in and support for the activities of the Tribunal.
The Acting President: We have heard the last speaker in the debate on agenda item 76 and its sub-items (a) and (b).

We shall now proceed to consider draft resolutions A/64/L.18, A/64/L.18/Corr.1 and A/64/L.29. Before giving the floor to the speakers in explanation of vote before the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Ms. Hong (Singapore): My delegation would like to place on record our understanding of paragraph 46 of draft omnibus resolution A/64/L.18 on oceans and the law of the sea, which reads,

“Notes that consideration by the Commission of submissions by coastal States in accordance with article 76 and annex II of the Convention is without prejudice to the application of other parts of the Convention by States Parties”.

Paragraph 46 is silent concerning the impact of considerations by the Commission of the application of other parts of the Convention by other entities, including bodies referred to in the Convention, such as the International Court of Justice (ICJ) or the International Tribunal for the Law of the Sea (ITLOS). The ICJ, ITLOS and other entities have been conferred a role in the settlement of disputes concerning the interpretation or application of the Convention.

While Singapore will vote in favour of the resolution, we are doing so on the clear understanding that consideration by the Commission of submissions by coastal States is equally without prejudice to the application of other parts of the Convention by other entities. We regret that there was insufficient time during the consultations to facilitate this clarification. We thank the Assembly for this opportunity to clarify our position on this paragraph.

Ms. Medina-Carrasco (Bolivarian Republic of Venezuela) (spoke in Spanish): The delegation of the Bolivarian Republic of Venezuela reaffirms its commitment to cooperating with efforts and initiatives to promote coordination on matters relating to oceans and the law of the sea in accordance with the requirements of international law. Furthermore, in the context of that legal framework, we confirm our responsibility and resolve to support any effort to ensure the conservation, integrated management and sustainable use of the oceans and seas, in particular the marine ecosystem, given its vital importance to the development and well-being of peoples.

However, the State of Venezuela reiterates the position it has expressed in many international forums, to the effect that the United Nations Convention on the Law of the Sea should not be regarded as the sole source of the law of the sea, since there are other legal instruments applicable to this area. The reasons that prevented the Bolivarian Republic of Venezuela from becoming a party to the United Nations Convention on the Law of the Sea and the 1995 Fish Stocks Agreement remain relevant.

Thus, my delegation will not vote in favour of the draft resolutions, since, not being a party to the Convention on the Law of the Sea of 1982 or to the 1995 Agreement, my country is not bound by the provisions contained in those two instruments. Furthermore, their norms, except those that the Venezuelan State has recognized or will expressly do so in the future by incorporating such rules into our domestic legislation, do not apply to it under customary international law.

The Bolivarian Republic of Venezuela wishes therefore to confirm its long-standing position on the United Nations Convention on the Law on the Sea and on the 1995 Agreement, given that some points in the texts before the Assembly for adoption compel my delegation to abstain in the vote.

The Acting President: We have heard the last speaker in explanation of vote before the vote. The Assembly will now take a decision on draft resolution A/64/L.18 and A/64/L.18/Corr.1 and draft resolution A/64/L.29.

We turn first to draft resolution A/64/L.18 and A/64/L.18/Corr.1, entitled “Oceans and the law of the sea”. I now give the floor to the representative of the Secretariat.

Mr. Botnaru (Department for General Assembly and Conference Management): I would like to inform members that in connection with draft resolution A/64/L.18 and Corr.1, entitled “Oceans and the law of the sea”, I wish to put on record the following
statement of financial implications on behalf of the Secretary-General.

By paragraphs 28, 55, 146, 178 and 190 of the draft resolution, the General Assembly would request the Secretary-General to convene the twentieth Meeting of States Parties to the Convention in New York from 14 to 18 June 2010, and to provide the services required; approve the convening by the Secretary-General of the twenty-fifth and twenty-sixth sessions of the Commission on the Limits of the Continental Shelf in New York from 15 March to 23 April 2010 and from 2 to 27 August 2010, respectively, with full conference services for the plenary parts of those sessions, and request the Secretary-General to make every effort to meet those requirements within overall existing resources, on the understanding that the following periods will be used for the technical examinations of submissions at the Geographic Information System laboratories and other technical facilities of the Division for Ocean Affairs and the Law of the Sea from 15 March to 1 April 2010, from 19 to 23 April 2010 and from 2 to 13 August 2010; reaffirm its request to the Secretary-General to convene a meeting of the Ad Hoc Open-ended Informal Working Group, in accordance with paragraphs 127 and 130 of resolution 63/111, to take place from 1 to 5 February 2010 to provide recommendations to the General Assembly; request the Secretary-General to convene an informal meeting of the Ad Hoc Working Group of the Whole from 30 August to 3 September 2010 to further consider and make recommendations to the sixty-fifth session of the General Assembly on the implementation of the regular process, including the key features, institutional arrangements and financing, and to specify the objective and scope of its first cycle, key questions to be answered and primary target audiences in order to ensure that assessments are relevant for decision makers, as well as on the terms of reference for the voluntary trust fund and the scholarship fund referred to in paragraph 183; request the Secretary-General to convene, in accordance with paragraphs 2 and 3 of resolution 54/33, the eleventh meeting of the Consultative Process in New York from 21 to 25 June 2010, to provide it with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division in cooperation with other relevant parts of the Secretariat, as appropriate.

Pursuant to paragraphs 28, 146 and 190, the meetings of the States Parties to the United Nations Convention on the Law of the Sea, the Ad Hoc Open-ended Informal Working Group and the eleventh meeting of the Consultative Process on Ocean Affairs and the Law of the Sea have already been included in the 2010 calendar of meetings and conferences and do not constitute an addition.

Pursuant to paragraph 55 of the draft resolution, it is envisaged that the Commission would require 20 meetings with interpretation services from 5 to 9 April 2010 and from 16 to 20 August 2010, which have already been included in 2010 calendar of meetings and conferences. However, the draft resolution calls for 10 additional days for a total of 20 meetings from 12 to 16 April 2010 and from 23 to 27 August 2010, with interpretation in all six languages without documentation.

It should be noted that the 2010 calendar of meetings and conferences already includes 10 days of meetings for the twentieth Meeting of the States Parties. However, paragraph 28 envisions only five days of meetings. The resources from the remaining five days, for a total of 10 meetings planned for the States Parties, will be reallocated to the five days for a total of 10 additional meetings of the twenty-fifth session of the Commission from 12 to 16 April 2010. Therefore, for the five days of the Commission from 23 to 27 August 2010, 10 meetings with interpretation in the six official languages will be considered an addition, giving rise to additional requirements of $146,000 in the proposed programme budget for the biennium 2010-2011, including requirements of $126,000 under Section 2 of the proposed budget, General Assembly and Economic and Social Council affairs and conference management, and $20,000 under Section 28D, Office of Central Support Services, for other support services related to the additional 10 meetings.

Although the modalities contained in draft resolution A/64/L.18 and Corr.1 exceed those planned by the Department for General Assembly and Conference Management (DGACM) in its draft calendar of conferences and meetings for 2010-2011, the Secretariat will seek to identify resources that could be redeployed from the provisions to be made under Section 2, General Assembly and Economic and Social Council affairs and conference management, and Section 28D, Office of Central Support Services,
of the proposed programme budget for the biennium 2010-2011 in order to fully service the conferences.

As regards paragraph 178, it has been agreed between the Office of Legal Affairs and the Department for General Assembly and Conference Management that interpretation services from and into all six official languages for 10 meetings of the Ad Hoc Working Group of the Whole from 30 August to 3 September 2010 would be provided on an as available basis.

Accordingly, should the General Assembly adopt draft resolution A/64/L.18 and Corr.1, no financial implications would arise under the proposed programme budget for the biennium 2010-2011.

The attention of delegations is drawn to the provisions of Section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of delegations is also drawn to paragraph 67 of the first report of the Advisory Committee on the proposed programme budget for the biennium 2000-2001, document A/54/7, which indicates that the use of the phrase “within existing resources” or similar language in resolutions has a negative impact on the implementation of activities. Therefore, efforts should be made to avoid the use of this phrase in resolutions and decisions.

**The Acting President:** I thank the Secretariat for the statement. I should like to announce that, since the issuance of draft resolution A/64/L.18 and Corr.1, the following countries have become sponsors of the draft resolution: Albania, Belgium, Bosnia and Herzegovina, Cape Verde, Croatia, Cyprus, Greece, Indonesia, Jamaica, Kenya, Madagascar, Malta, Norway, Philippines, Poland, Seychelles, Slovenia and the United States of America. A recorded vote has been requested.

A recorded vote was taken.

*In favour:*
Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Benin, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Cameroon, Canada, Cape Verde, Chile, China, Congo, Costa Rica, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Dominican Republic, Egypt, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Iceland, India, Indonesia, Ireland, Italy, Japan, Jordan, Kazakhstan, Kuwait, Lao People’s Democratic Republic, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nauru, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*
Turkey.

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

Draft resolution A/64/L.18 and A/64/L.18/Corr.1 was adopted by 120 votes to 1, with 3 abstentions (resolution 64/71).

[Subsequently, the delegations of Burkina Faso, Kenya and Montenegro advised the Secretariat that they had intended to vote in favour, the delegation of the Libyan Arab Jamahiriya advised the Secretariat that it had intended to abstain.]

**The Acting President:** We turn next to draft resolution A/64/L.29, entitled “Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish...
Stocks, and related instruments”. I give the floor to the representative of the Secretariat.

Mr. Botnaru (Department for General Assembly and Conference Management): In connection with draft resolution A/63/L.29, 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 wish to place on record the following statement of financial implications on behalf of the Secretary-General.

By paragraphs 31, 34 and 128 of the draft resolution, the General Assembly would: recall paragraph 31 of resolution 63/112 concerning the request to the Secretary-General to resume the Review Conference convened pursuant to article 36 of the Agreement to be held in New York from 24 to 28 May 2010; recall paragraph 6 of resolution 56/13 and request the Secretary-General to convene in March 2010, a ninth round of informal consultations of States parties to the Agreement for a duration of two days to serve primarily as a preparatory meeting for the resumed Review Conference; and request the Secretary-General to convene, within existing resources, within the time made available for the informal consultations on the sustainable fisheries resolution, and without prejudice to future arrangements, a two-day workshop in 2011 on whether to discuss implementation of paragraphs 117 and 119 to 127 of the present resolution; and invites States, the Food and Agriculture Organization of the United Nations and other relevant specialized agencies, funds and programmes, subregional and regional fisheries management organizations and arrangements other fisheries bodies other relevant intergovernmental bodies and relevant non-governmental organizations and relevant stakeholders, in accordance with United Nations practice, to attend the workshop.

Pursuant to paragraph 31 of the draft resolution, the Review Conference that would be held in New York from 24 to 28 May 2010, has already been included in the 2010 calendar of meetings and conferences and does not constitute an addition. While the ninth round of informal consultations of States parties to the Agreement and the two-day workshop called for in paragraphs 34 and 128 of the draft resolution, respectively, are not included in the calendar of meetings of 2010 and 2011, interpretation services for these meetings would be provided on an as-available basis.

Accordingly, should the General Assembly adopt draft resolution A/64/L.29, no financial implications would arise under the proposed programme budget for the biennium 2010-2011.

The attention of delegations is drawn to the provisions of section 4 of General Assembly resolutions 45-48B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate main Committee of the Assembly entrusted with the responsibilities for administrative and budgetary matters and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

The attention of delegations is also drawn to paragraph 67 of the first report of the Advisory Committee on the proposed programme budget for the biennial 2000-2001, document A/54/7, which indicates the use of the phrase “within existing resources” or similar language has a negative impact on the implementation of activities. Therefore, efforts should be made to avoid the use of this phrase in resolutions and decisions.

The Acting President: I should like to announce that, since the tabling of the draft resolution, the following countries have become sponsors of draft resolution A/64/L.29: Albania, Australia, Canada, Cape Verde, Cyprus, Greece, Kenya, Malta, Philippines, Portugal, Slovenia, Sweden and Ukraine. May I take it that the Assembly decides to adopt draft resolution A/64/L.29?

The draft resolution was adopted (resolution 64/72).

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

Ms. Millicay (Argentina) (spoke in Spanish): Argentina joined the consensus to adopt resolution 64/72 on sustainable fisheries. Nevertheless, we would like once again to point out that none of the recommendations contained in the resolution should 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, which was adopted in New York in 1995, can be considered as binding upon States that have not expressly agreed to be bound by the Agreement.

Argentina would also like to point out that prevailing international law does not allow regional fisheries management organizations and arrangements, or their members, to adopt any sort of measure pertaining to ships whose flag States are not members of such organizations or arrangements or who have not expressly consented to having such measures apply to the vessels sailing under their flags. Nothing in the resolutions of the General Assembly, including the one we have just adopted, should be interpreted in a manner contrary to this position.

Moreover, the implementation of conservation measures, the carrying out of scientific research and any other activities recommended in the resolutions of the General Assembly, in particular with regard to resolution 61/105 and associated resolutions, have as their legal framework the prevailing international law of the sea, which cannot be circumvented. That is reflected in the Convention itself, in particular in article 77 and Part XIII. The implementation of those resolutions does not, therefore, justify negating or ignoring the rights established in the Convention. In addition, in line with international law, nothing in those or other resolutions of the General Assembly can affect the sovereign rights of coastal States over their continental shelves, or their right to exercise jurisdiction over them.

Mrs. Tansu-Seçkin (Turkey): At the outset, I would like to place on record that Turkey was not a sponsor of resolution 64/71 on oceans and the law of the sea as incorrectly indicated in document A/64/L.18. In that regard, I would like to refer delegations to the corrected document, namely, A/64/L.18/Corr.1.

Turkey voted against the resolution entitled “Oceans and the law of the sea” under sub-item (a) of agenda item 76. I would like to recall that the reasons that have prevented Turkey from becoming a party to the United Nations Convention on the Law of the Sea remain valid. Turkey supports international efforts to establish a regime of the sea that is based on the principle of equity and is acceptable to all States. However, in our opinion, the Convention does not provide sufficient safeguards for special geographical situations and, as a consequence, does not take into consideration conflicting interests and sensitivities stemming from special circumstances. Furthermore, the Convention does not allow States to register reservations to its articles.

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

As to resolution 64/72 on sustainable fisheries, which was adopted under sub-item (b) agenda item 76, I would like to state that Turkey is fully committed to the conservation, management and sustainable use of marine living resources and attaches great importance to regional cooperation to that end. In that context, Turkey supported resolution 64/72. However, Turkey disassociates itself from references made in that 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. Medina-Carrasco (Bolivarian Republic of Venezuela) (spoke in Spanish): The delegation of the Bolivarian Republic of Venezuela would like to explain to the General Assembly its vote on resolution 64/72, adopted under agenda item 76, on sustainable fisheries, including in the context 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.

The Bolivarian Republic of Venezuela would like to reiterate before the Assembly its commitment to cooperate with initiatives and efforts aimed at promoting coordination on issues pertaining to the matter of sustainable fisheries. Nevertheless, as we have pointed out before, given the continued validity of the reasons that have prevented the Bolivarian Republic of Venezuela from joining the 1995 Agreement as a party to the United Nations Convention on the Law of the Sea, we should like to underscore
our historic position concerning our reservations to the Convention on the Law of the Sea and the 1995 Agreement in the context of this resolution.

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

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

It was so decided.

The meeting rose at 8.10 p.m.