



# General Assembly

Seventy-eighth session

**44**<sup>th</sup> plenary meeting  
Tuesday, 5 December 2023, 3 p.m.  
New York

Official Records

*President:* Mr. Francis . . . . . (Trinidad and Tobago)

*In the absence of the President, Mr. Muhumuza (Uganda), Vice-President, took the Chair.*

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

## Agenda item 75 (continued)

### Oceans and the law of the sea

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

**Reports of the Secretary-General (A/78/67 and A/78/339)**

**Report on the work of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (A/78/77)**

**Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its twenty-third meeting (A/78/129)**

**Report on the work of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (A/78/521)**

**Draft resolution A/78/L.15**

#### (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**

**Letter dated 29 August 2023 from the President of the resumed Review Conference on 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 addressed to the President of the General Assembly (A/78/113)**

**Draft resolution A/78/L.13**

#### (c) Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction

**Mr. Azzam** (United Arab Emirates) (*spoke in Arabic*):  
At the outset, it is my pleasure to sincerely thank the Secretary-General for his reports (A/78/67 and A/78/339).

My country's delegation joins in the discussion of this important agenda item at a time when the world is trying to preserve oceans and their essential role in supporting the global economy and sustainable development. This annual debate is especially important for the United Arab Emirates, as it is being held in parallel with the twenty-eighth Conference of the Parties to the United Nations Framework Convention

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room AB-0928 (verbatimrecords@un.org). Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org>).



on Climate Change, which was opened in Dubai on 30 November.

The world has assembled to find effective solutions to limit the impacts of climate change on the planet, including on oceans. We take this opportunity to commend all the efforts that led to the adoption earlier this year of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction.

The United Arab Emirates looks forward to reinforcing its effective engagement through all related initiatives and conferences on sustainable development, especially those under Goal 14 of the Sustainable Development Goals. Protecting the environment, natural resources and biodiversity has been a main priority of the strategy of the United Arab Emirates since its establishment, especially with respect to the marine environment given its close link to our local communities and its economic importance.

My country spares no effort in conserving our maritime resources. To that end, we have adopted several ecological laws that limit maritime pollution. We have created marine reserves to preserve endangered species and support sustainable solutions for preserving biological diversity, such as the Al-Yasat and Moraweh marine reserves. We have adopted multiple strategies and programmes to protect endangered biological diversity, in line with our commitment to protecting biological diversity. One of the most important of those strategies is the national strategy for biodiversity, as well as the national plan for the conservation and management of sharks, which was elaborated with the participation of the public and private sectors in order to preserve shark species and exploit them sustainably.

In order to enhance local, regional and international efforts in the field of marine sciences and preserve aquatic ecosystems, especially in the oceans, the United Arab Emirates has also launched and adopted several initiatives, including the inauguration in January 2023 of *Jaywun*, a vessel for maritime research, whose mission is to promote the conservation of the marine environment, address the impacts of climate change, manage marine biodiversity and provide a platform for scientific research.

The marine environment in the United Arab Emirates is characterized by unique biodiversity. A number of endangered species, such as sea turtles, sea cows and

sharks, inhabit our waters. The marine reserves play an important role in preserving endangered species. There are more than 40 shark species in our waters. My country has also joined several international treaties and conventions aimed at protecting marine species and their habitats, including the 1990 Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Convention on Biological Diversity, which we ratified in 1999. In May 2023, the United Arab Emirates deposited its instrument of acceptance on the Agreement on Fisheries Subsidies of the World Trade Organization — the seventh member of that organization to do so. My country's delegation hopes that important agreement will enter into force as soon as possible, as it represents a major step towards ensuring the sustainability of the oceans and the protection of fisheries from the harmful elements that contribute significantly to the depletion of global fish stocks.

In conclusion, the United Arab Emirates reaffirms the importance of promoting national, regional and international cooperation in the areas of the marine sciences and ocean safety in order to achieve the 2030 Agenda for Sustainable Development and find effective solutions that will limit the impacts of climate change, especially on our oceans.

**Dame Barbara Woodward** (United Kingdom): The United Nations Convention on the Law of the Sea (UNCLOS) is a major achievement of diplomacy and international law-making. It is critical to the rules-based international system. Its provisions apply to 70 per cent of the surface of the globe and form an essential component of global governance.

UNCLOS has made a significant contribution to global peace, prosperity and security by providing consistency and certainty concerning the governance of the ocean. It provides the legal framework for all activities in the ocean and seas. UNCLOS sets out the legal framework for maritime claims and the rules of freedom of navigation. It sets out obligations for bilateral, regional and international cooperation, including for the conservation and management of living resources, the protection and preservation of the marine environment and the peaceful settlement of disputes. This legal framework applies in the South China Sea, as it also applies across the rest of the world's oceans and seas.

This year, we welcomed the adoption of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ), which is the third implementing agreement under the Convention and is historic for biodiversity. We support its entry into force as soon as possible. The BBNJ will mean much greater protection for the two thirds of the global ocean that lies beyond national jurisdiction. It will play a key role in supporting the delivery of the Kunming-Montreal Global Biodiversity Framework (GBF). It is critical that we work towards upholding the commitments in the GBF, including to achieve the target of effectively conserving and managing at least 30 per cent of the ocean by 2030. We take this opportunity to underscore the critical role that both the BBNJ and the Global Biodiversity Framework play in relation to the topics covered by draft resolutions A/78/L.15 and A/78/L.13.

**Mr. Prabowo** (Indonesia): Devoid of oceans, our blue planet will be a desolate realm. Those vast expanses of water sustain not only humankind but also every form of life on Earth. They define our peace, stability and prosperity.

Regrettably, we often fail to treat them with the respect they deserve. Today the oceans confront grave perils, from climate change to the degradation of the marine environment and biodiversity loss.

In that context, I wish to convey four pertinent points.

First, as the largest archipelagic State, Indonesia will always be a staunch supporter of the United Nations Convention on the Law of the Sea (UNCLOS). It is the constitution of the ocean which must be preserved as it maintains the balance of various interests. All activities in the oceans must be carried out in accordance with UNCLOS, and its integrity needs to be maintained. It is our strong hope that States will continue to be committed to the application of UNCLOS and equally committed to ensuring that we all can benefit from it.

Secondly, the needs and interests of small islands and archipelagic States, as the guardians of the oceans, must be at the heart of any global discourse on oceans. That is why Indonesia facilitated the establishment of the Archipelagic and Island States Forum in 2018. I am pleased to report that the leaders of the Forum successfully held their first summit in Bali, Indonesia, two months ago. Within that framework, concrete collaborative actions are under way on four key issues,

namely, climate change mitigation and adaptation, the blue economy, marine pollution and good maritime governance. That represents the collective contributions of archipelagic and island States to safeguarding our oceans, safeguarding our planet and bringing Sustainable Development Goal 14 back on track.

Thirdly, we must continue to make progress in advancing the ocean-climate nexus issues. Indonesia supports and takes an active part in the ongoing process of advisory opinions in both the International Tribunal for the Law of the Sea and the International Court of Justice on climate change. Those will provide much-needed clarification on the existing international legal obligations of States, including on the ocean-climate nexus. We believe that oceans play an important role for climate action. International support must be available for archipelagic and small island States to realize that potential. Indonesia is also in solidarity with its brothers and sisters from low-lying small island States to bring forward the sea level rise issue as a priority agenda in multilateral forums, including by supporting the International Law Commission in formulating a just and effective international legal framework to the three pillar questions related to sea level rise.

Fourthly, with regard to ocean governance, Indonesia applauds the adoption of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ) (resolution 77/321) and supports the continuation of the work of the International Seabed Authority (ISA) to conclude an ISA draft exploitation regulation. The BBNJ Agreement, the long-anticipated addition to UNCLOS, provides a global legal framework essential for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. We are pleased that it takes into account the special interests and needs of developing States, including archipelagic States, which must be preserved for the attainment of the objectives of the Agreement. Therefore, my delegation urges all States to expedite measures enabling its entry into force. Meanwhile, on the ISA draft exploitation regulation, my delegation expects the draft regulation to strike an equilibrium between ensuring sustainable economic development and the conservation of the area.

Indonesia also welcomes the decision of the General Assembly to convene the third Oceans Conference in France, in 2025 (resolution 77/242).

We need to raise the bar in our approaches to effectively respond to challenges faced by our oceans. It is time to put forward concrete action on issues ranging from sea level rise to the deep seabed, from coastal communities to areas beyond national jurisdiction and from sustainable fishing to climate action to ensure we sustain our collective future in the years ahead.

**Mrs. Buenrostro Massieu** (Mexico) (*spoke in Spanish*): Mexico expresses its sincere appreciation to the Secretary-General for his report on oceans and the law of the sea (A/78/67). That work is essential to keep us up to date on major developments related to the marine environment.

We renew our strong support for the United Nations Convention on the Law of the Sea (UNCLOS), which four decades after its adoption and almost three since its implementation, has not only established itself as the fundamental basis of the law of the sea but has also earned the title of the constitution of the oceans. Its remarkable stability and success in the maintenance of international peace and security, in the peaceful settlement of disputes and in the protection and preservation of the marine environment are all a reflection of its importance.

For that reason, Mexico urges all States parties to redouble their efforts to include new signatories to the Convention. That will not only promote its universal character, but also strengthen the governance of our oceans. It is in that context that we congratulate Rwanda on its ratification of the Convention this year.

Mexico also wishes to underscore and express its appreciation for the work of the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf. The work of each and every one of those bodies is crucial for the effective implementation of the Convention.

At a time when the ecological balance and the preservation of life on our planet are facing multiple crises, Mexico firmly recognizes the crucial role of the oceans. That is why it underscores the importance of protecting and preserving the marine environment, a commitment that must be assumed both at the international level and domestically in each State, with UNCLOS as a fundamental pillar.

The adoption of the Agreement under the United Nations Convention on the Law of the Sea on the

Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (resolution 77/321), known as the BBNJ Agreement, in June, marked a milestone in the governance of the oceans. With that Agreement, we reaffirmed that the principle of common heritage of humankind applies to the oceans and that it is the responsibility of the entire international community to protect them.

Mexico, as a sign of its commitment to the objective of the Agreement, multilateralism and ocean governance, has become one of the first countries to sign it. With more than 80 signatories, it is now up to States to make the necessary efforts to ensure its prompt entry into force and proper implementation. The Agreement is one of the main legacies we are bequeathing to present and succeeding generations. Similarly, Mexico will continue to actively participate in the process of negotiating an international legally binding instrument on plastic pollution, including in the marine environment.

With respect to the so-called zone, Mexico maintains that deep seabed mining activities should not commence until there is a robust legal framework, based on sufficient scientific knowledge, that guarantees the effective protection of the marine environment from potential harmful effects of those activities. Knowledge about the deep ocean and the potential impacts that may arise from deep seabed mining activity is a necessary precondition to be able to authorize any mining activity. We will continue to act in a manner that is consistent with the obligations to protect and preserve the marine environment under the application of the precautionary principle and an ecosystem approach.

International law is an ideal tool to respond to and strengthen the legal frameworks to provide solutions to problems and challenges shared by the international community, such as the fight against climate change. In that regard, Mexico recognizes the relevance of the ongoing consultative process before the International Tribunal for the Law of the Sea, as well as the progress made during its written and oral stages, for the clarification of the legal regime on climate change, in the light of the Convention.

Mexico remains convinced of the importance of the role that international law plays in developing ocean governance in order to strengthen peace and security and cooperation among nations. My country therefore reiterates its commitment to the Convention on the

Law of the Sea and its institutions and is committed to continue working to fulfil its objectives.

**Mr. Tommo Monthe** (Cameroon): At the outset, allow me to join previous speakers in commending the coordinator of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea for the remarkable stewardship of our deliberations on draft resolution A/78/L.15.

As it does every year, Cameroon, as a sponsor of draft resolution A/78/L.15, hopes that it will be adopted without a vote. My country also takes note of and highly appreciates the meaningful content of the Secretary-General's reports (A/78/67 and A/78/339), the reports on the work of the Ad Hoc Working Group of the Whole (see A/78/77 and A/78/521), the report on the work of the United Nations Open-ended Informal Consultative Process (see A/78/129) and the report of the intergovernmental conference on an internationally legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction on its fifth session (A/CONF.232/2023/5).

All those documents provide important information on issues concerning ocean affairs and the law of the sea, which allow us to better understand the scale and complexity of the problems linked to the preservation and sustainable use of ocean resources, as well as the challenges that must be overcome and the appropriate management of such resources for the benefit of all humankind.

To ensure the sustainability of the oceans, concerted efforts on ocean-related responses will need to be undertaken in various areas to address the threat that oceans face from human activities and build more resilient and productive societies. From that perspective, and as rightly noted in the report of the Secretary-General and the report on the work of the Informal Consultative Process, the contribution of new technologies, among other factors, to the preservation of the marine environment is significant. For example, for climate change mitigation, new maritime technology can play a crucial role in monitoring, understanding and preventing water-related natural disasters, such as flooding, tsunamis and earthquakes. With a view to reducing the impact of anthropogenic activities on the marine environment, in particular the fight against the pollution of the seas and oceans, such new technology

can play a role in the management of the complete life cycle of plastics, including by eliminating the plastic pollution of rivers and oceans. In the maritime field, new technology makes it possible to increase the safety and security of activities at sea and reduce the risk of collision between ships.

Strengthening international cooperation and coordination on ocean issues, including through integrated cross-sectoral strategies and mechanisms, will also be a priority. The same goes for the transfer of marine technologies and effective partnerships for strengthening the capacities of States to fill the growing skills gap between those who are better equipped to efficiently face that challenge and others.

*(spoke in French)*

Along the same lines, and to ensure that oceans survive in the long term and meet the many different needs of humankind, we must constantly adapt the organizational framework and the institutions required to manage those needs, keeping in mind the sustainable management of marine ecosystems. To that end, the United Nations Convention on the Law of the Sea must continue to inspire the creation of legal instruments that will allow us to better codify new concerns that emerge in the future in the area of ocean governance.

Cameroon therefore welcomes the adoption in June of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction, which will bring real added value to current oceans management and provide the necessary tools for the sustainable use of ocean resources for future generations. Negotiations for a legally binding instrument by 2024 that would put an end to plastic pollution would be another opportunity to strengthen the resilience of the marine environment and protect marine ecosystems and the species that inhabit them.

Along the same lines, my country welcomes the progress made at the twenty-eighth session of the International Seabed Authority to draft regulations on mineral exploitation in the Area. We welcome the measures adopted by the Authority's Council to prepare consolidated draft regulations that will be the subject of negotiations and more in-depth discussions at the twenty-ninth session to be held in 2024. That approach will also enable us to assess the remaining work to be carried out in the event that the exploitation regulations

are not finalized by the 2024 deadline. My country is of the view that a robust and comprehensive exploitation regime, including rules on equitable benefit-sharing and the implementation of all the mechanisms provided for by the Convention, should be developed and operational prior to any development of the Area.

The swift adoption and implementation of those instruments, which Cameroon wholeheartedly supports, will be essential for filling the gaps that have been observed to date in order to improve governance in the sector and help achieve ocean-related objectives, in particular Sustainable Development Goal 14. To that end, my country will continue to engage constructively and hopes that the same determination and flexibility will duly guide our future deliberations, with a view to setting up ever more appropriate mechanisms and institutional arrangements for the better protection and sustainable use of the seas, the oceans and their various resources.

Last but not least, in section V, paragraph 64, draft resolution A/78/L.15 notes the endorsement by the Assembly of the International Seabed Authority, at its twenty-first session, of the memorandum of understanding between the Authority and the International Relations Institute of Cameroon concerning the establishment of a curriculum on the law of the sea and Part XI of the United Nations Convention on the Law of the Sea. My country would like to take this opportunity to express its deep gratitude to the member States of the International Seabed Authority for their support of this partnership project during the Authority's session held in Kingston in July 2023. That initiative, for which Cameroon has high hopes, is the result of our constructive collective efforts to address the gaps and inadequacies in the knowledge and expertise of Africa's national and regional actors in that field.

The signing in January 2024 of the memorandum of understanding and the implementation of that cooperation project will contribute to strengthening African countries' knowledge and expertise on the law of the sea and will further facilitate their more efficient involvement in the activities of the Authority and the Area. I would like to reiterate that my country's highest authorities attach great importance to that cooperation project, which in the long term will foster the establishment of a veritable African pool and network of expertise on issues within the Authority's purview.

Given Cameroon's long-standing commitment to maritime affairs and the law of the sea, its political will and the appropriate infrastructure put in place to host the planned capacity-building programmes at the International Relations Institute of Cameroon, I can assure the Assembly that, with its customary support, Cameroon will surely and satisfactorily meet the expectations that Member States have of it.

**Mr. Valtýsson (Iceland):** This year we celebrate the adoption and the opening for signature of a new implementing agreement under the United Nations Convention on the Law of the Sea (UNCLOS). It is remarkable that, even in the current geopolitical climate, the global community was able not only to conclude the negotiations but also to come together and adopt by consensus the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ), also known as the High Seas Treaty.

While the adoption of the agreement was a huge step, we must still be aware that nothing has yet been conserved or protected. We have only begun our journey, and that is only the first step. For all our efforts to become effective, we must first secure the 60 ratifications needed for the agreement's entry into force. As is often reiterated, the sustainable use of the ocean is a cornerstone of Iceland's prosperity. A healthy and bountiful ocean, with long-term sustainability at the core of all management decisions, is for the benefit of all. The conservation and sustainable use of ocean resources are not separate or conflicting notions but two sides of the same coin.

Iceland remains committed to the health of our ocean, and we see the BBNJ as an important addition to the law of the sea family under the Convention, our constitution of the ocean. The BBNJ provides us with many of the tools we need to achieve our common objectives, some of which were set out in the Kunming-Montreal Global Biodiversity Framework, which was adopted by the parties to the Convention on Biological Diversity almost one year ago. Those are some of the building blocks that we as an international community need to have in place to secure the health of our ocean. Another vital addition will be the future United Nations plastics treaty — a legally binding international instrument on plastic pollution, including in the marine environment. Iceland looks forward to seeing negotiations on the plastics treaty concluded.

Based on a proposal put forward by Iceland and Norway, Member States will come together for one week next June, under the auspices of the United Nations Open-ended Informal Consultative Process, to discuss a topic of critical importance, namely, the ocean as a source of sustainable food. We believe that topic is of great relevance for two main reasons. First, global hunger and food insecurity are far above pre-coronavirus disease pandemic levels. In 2022, 2.4 billion people were moderately or severely food insecure, according to the Food and Agriculture Organization of the United Nations. Secondly, at a time when humankind is desperately trying to find ways to contain global heating below 1.5°C — before it becomes too late — sustainable, nutritious food from the ocean can help, owing to its low carbon intensity. In terms of food from the ocean, both great potential and significant challenges exist, along with some exciting new research. The ocean and climate change are intrinsically interlinked. We must recognize that connection and act accordingly. Ocean acidification is a challenge that is different from climate change, but the root cause of the problem is the same: the use of fossil fuels. Iceland supports the phasing out of fossil fuels, and fossil-fuel subsidies need to end. In the words of our Prime Minister delivered at the twenty-eighth Conference of the Parties to the United Nations Framework Convention on Climate Change, “we should not burn public money to cook the planet”. Humankind must switch to renewable energy.

Another challenge that is emerging as one of the major global challenges of our time is sea level rise. With glaciers melting in the Arctic and elsewhere, sea level rise is already taking place and will change the world as we know it, not least for those who make their homes in small island developing States and low-lying coastal areas. Iceland supports the work of the International Law Commission on that topic and emphasizes that States should cooperate on it.

Yet another topic on which States must cooperate is harmful fisheries subsidies, which are a key factor in the widespread depletion of the world’s fish stocks, including due to illegal, unreported and unregulated fishing. The World Trade Organization Agreement on Fisheries Subsidies, which was adopted last year, was a major achievement in that area. Negotiations continue in Geneva on outstanding disciplines on subsidies leading to overcapacity and overfishing, including during this week, under the chairmanship of Ambassador Einar

Gunnarsson of Iceland. We count on States to conclude the negotiations for the benefit of our ocean and future.

Iceland is proud to be the home country of Judge Tómas Heiðar, who was recently elected as President of the International Tribunal for the Law of the Sea. As he has been devoted to law of the sea for decades, President Heiðar has brought ample experience, both practical and academic, to the Court. The law of the sea, as well as international law in general, is anchored in effective dispute settlement. It is a foundation of the rules-based international legal order and one of the reasons for the significant contribution that UNCLOS has made to peace and security in the world.

The Commission on the Limits of the Continental Shelf (CLCS) continues its important work, faced with an increasing workload. It is the view of Iceland that States parties have a responsibility to ensure that the CLCS is sustainably provided with resources so that it can do its job. Proper long-term solutions must be found.

The third United Nations Ocean Conference is now on the horizon. Iceland looks forward to actively participating in that process and is grateful to Costa Rica and France as its co-hosts. The Conference will help us bring increased focus and accelerate action under Sustainable Development Goal 14, on life under water. We, for sure, need that action. Let us remember that every other breath we take comes from the ocean. It provides us with nutrition for billions of people, with livelihoods and with love for our blue planet.

**Mr. Armbruster** (United States of America): The United States welcomes draft resolutions A/78/L.15 and A/78/L.13 and greatly values the platform that the General Assembly provides to elevate important ocean and fisheries issues.

We gather today near the end of another extraordinary year of action towards protecting ocean health. The United States was proud to announce almost \$6 billion in activities at the eighth Our Ocean Conference held in March, addressing marine-protected areas, sustainable blue economies, climate change, maritime security, sustainable fisheries and marine pollution. We applaud the Government of Panama for hosting that important event. The Our Ocean Conference has become an important mobilizer of concrete actions, which has catalysed more than 2,100 voluntary commitments from Governments, the private sector and civil society since its founding in 2014. In 2023 alone, the Conference closed with more than 340 announcements, totalling

almost \$20 billion. We look forward to next year's Our Ocean Conference, to be hosted by the Government of Greece, and we call on the international community to ramp up action with compelling new announcements.

The ocean remains under threat from multiple stressors, including the profound impacts of greenhouse-gas emissions, illegal, unreported and unregulated fishing, plastic pollution and biodiversity loss. Those multifaceted challenges demand additional innovative solutions that will protect the ocean, the livelihoods it supports and the ecosystem services it provides. No issue is more cross-cutting than climate change. As President Biden has said, climate change is the existential threat of our time. As greenhouse-gas emissions rise, our ocean is warming, with sea levels rising, ocean acidification increasing and the ocean becoming less productive, all with cascading effects on communities and livelihoods. Among the most devastating of those effects is sea level rise. The United States believes that sea level rise driven by human-induced climate change should not diminish the maritime zones on which island States and other coastal States rely. We are committed to preserving the legitimacy of lawfully established marine zones and associated rights and entitlements. The United States will not challenge lawfully established baselines and maritime zone limits that are not subsequently updated despite sea level rise caused by climate change. We encourage Member States to adopt an analogous approach.

We must also reduce emissions to keep the 1.5 °C goal within reach and improve ocean and coastal resilience. That includes leveraging the power of ocean-based climate solutions. The ocean holds unrealized potential to tackle the threats posed by climate change. For example, we must spur the transition to a zero-emission shipping sector through efforts, such as the Green Shipping Challenge, to facilitate the production of zero-emission fuels, investment in zero-emission vessels and technologies and the creation and advancement of green shipping corridors. We were pleased to join other Member States in welcoming the 2023 International Maritime Organization (IMO) Strategy on Reduction of Greenhouse Gas Emissions from Ships, which significantly steps up the IMO's ambition and is a strong contribution from the shipping sector. In March, President Biden released the first-ever United States Government Ocean Climate Action Plan, which exemplifies the United States focus on the power of knowledge, science, technology and innovation to

achieve a stable climate, healthy ocean, good jobs, healthy economies and an equitable and just society.

The Ocean Climate Action Plan outlines three goals that mobilize the United States Government and civil society to take effective and innovative ocean climate action: first, to create a carbon-neutral future, without emissions that cause climate change and harm human health; secondly, to accelerate solutions that tap the power of natural coastal and ocean systems to absorb and store greenhouse gases; and, thirdly, to enhance community resilience to ocean change by developing ocean-based solutions that help communities adapt and thrive, particularly coastal communities that rely on fisheries.

The Ocean Climate Action Plan maps out priority actions, including increasing offshore wind and marine energy, decarbonizing the maritime shipping sector, expanding marine protected areas and conserving and restoring coastal and marine habitats that naturally store carbon — referred to as blue carbon — in order to enhance the resilience of ocean ecosystems. The United States supports continuing research and monitoring to improve the understanding of potential seabed resources and their implications. We are supportive of efforts to ensure the effective protection of the marine environment and responsible access to critical minerals for the clean energy transition. The United States will continue to advocate at the International Seabed Authority for the completion of a stable and science-based internationally recognized regulatory framework for developing seabed mineral resources in areas beyond national jurisdiction that ensures effective protection for the marine environment. The United States has supported such a framework for decades and will continue to do so.

Another essential tool for protecting biodiversity and ocean health was the adoption and opening for signature of the new Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ), also known as the High Seas Treaty. The United States strongly supported the efforts of many Member States to welcome the adoption and opening for signature of that historic agreement, and we regret that was not reflected in either the oceans draft resolution (A/78/L.15) or the fisheries draft resolution (A/78/L. 13). The High Seas Treaty is an unprecedented opportunity to coordinate the conservation and sustainable use of high seas



biodiversity across management regimes, by including for the first time a coordinated and cross-sectoral approach to establishing high seas marine protected areas. The BBNJ is key to supporting the sustainable use of marine resources, maintaining the integrity of ocean ecosystems and conserving marine biological diversity. The United States was pleased to sign the BBNJ in September and has begun the domestic process to pursue ratification. We look forward to working with the global community to prepare for the implementation of the treaty once it enters into force.

But we cannot afford to stop there. We must also protect and restore coastal ecosystems that store carbon and protect our coastlines from climate impacts. That is one reason we launched the Ocean Conservation Pledge, a commitment by Governments to conserve or protect at least 30 per cent of the ocean waters under their jurisdiction by 2030. A total of 19 countries have endorsed the Pledge to date, and we encourage all others to join us. Ambitious action is critical for protecting biodiversity, maintaining the health of the ocean and increasing the resilience of marine ecosystems.

A conservation target of 30 per cent by 2030 has been identified by leading scientists as the minimum needed to support ocean system functionality. The United States fully supports the goal of conserving or protecting 30 per cent of the global ocean by 2030, and we are disappointed that just a small group of delegations blocked consensus on recognizing that important target, which was a missed opportunity.

We must continue to build the protection of marine ecosystems and resources into our fisheries management. That is why we are pleased that draft resolution A/78/L.13 welcomes the determination by the Northwest Atlantic Fisheries Organization of management measures to protect vulnerable marine habitats. We encourage other regional fisheries management entities to undertake evidence-based analysis of management measures if they have not already done so.

Fishing activities around the world contribute to livelihoods and food security. Yet fisheries continue to face threats from a lack of science-based management as well as illegal, unreported and unregulated (IUU) fishing, which affect everything from the health of ecosystems and coastal communities to the economic development and prosperity of States. IUU fishing damages our ocean, undermines maritime security and

endangers law-abiding fisheries and communities that rely on fish. Too often, IUU fishing is coupled with criminal activities such as trafficking and labour rights abuses, including forced labour. Left unchecked, those labour abuses undermine economic competitiveness, maritime security, fishery sustainability and the livelihoods and human rights of fishers around the world. We are thrilled that draft resolution A/78/L.13 advances those efforts by encouraging States to establish standards for decent working conditions for crew, inspectors and observers.

While the problems of IUU fishing are pervasive and complex, we cannot be afraid to tackle such challenges and raise our standards. We must also support the people engaged in fisheries and the communities that rely upon them. In addition to recognizing the ongoing work to increase labour protections in the fisheries sector, the United States is pleased to see the expanded recognition of women, Indigenous peoples and local communities in fisheries.

For a sustainable, climate-resilient future, we must support sustainable fisheries and food systems without further degrading habitats or ocean ecosystems, especially in the light of the climate crisis, which is altering marine ecosystems and the fisheries that depend on them. To advance our understanding of, and adaptation to, the impact of climate change on fisheries, the United States looks forward to the seventeenth round of informal consultations of States parties to the United Nations Fish Stocks Agreement to be held in the first half of 2024, which will focus on sustainable fisheries management in the face of climate change. We were pleased with the recommendations of the Review Conference on the United Nations Fish Stocks Agreement held in May 2023 and are pleased to see States encouraged to implement them in draft resolution A/78/L.13.

The United States underscores the central importance of international law as reflected in the United Nations Convention on the Law of the Sea, the universal and unified character of which is emphasized in draft resolution A/78/L.15. As we see attempts to impede the lawful exercise of navigational rights and freedoms under international law, it is more important than ever that we remain steadfast in our resolve to uphold those rights and freedoms. We call on all States to resolve their territorial and maritime disputes peacefully and without coercion, in accordance with international law, and to respect the freedoms of

navigation and overflight and other lawful uses of the sea that all users of the maritime domain enjoy.

We reiterate our deep concern with respect to expansive and unlawful maritime claims in the South China Sea that do not have a basis in the Convention and call on all claimants to comport their maritime claims with the international law of the sea.

With regard to both draft resolution A/78/L.15 and draft resolution A/78/L.13, we note our opposition to efforts by Member States to use them to impart legitimacy to non-negotiated documents by placing them on an equal footing with consensus outcomes. The United States objects to the process that yielded host country statements at the fifteenth Conference of the Parties to the Convention on Biological Diversity that were not negotiated, and we do not believe that they should be welcomed in either of the draft resolutions.

We witnessed efforts to legitimize non-consensus outcomes across General Assembly committees this year, whereby repeated attempts were made to welcome documents that had not been intergovernmentally agreed by pushing them for inclusion in General Assembly draft resolutions. The United States reiterates our support for the goals of the Global Biodiversity Framework. At the same time, as a matter of principle, the United States believes that the United Nations should only reference those outcome documents or decisions that have been subject to negotiation and reflect the consensus.

With regard to both draft resolution A/78/L.15 and draft resolution A/78/L.13, we refer Member States to our general statement delivered to the Second Committee on 9 November, which details our position on the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda, technology transfer and the institutional independence of the World Trade Organization.

We would like to thank the coordinators of the informal consultations on draft resolution A/78/L.15 and draft resolution A/78/L.13, Ms. Natalie Morris-Sharma of Singapore and Mr. Andreas Kravik of Norway, respectively, for their outstanding coordination. We also thank the Division for Ocean Affairs and the Law of the Sea for its expertise and hard work throughout the consultations on both draft resolutions. Finally, we express our appreciation for delegations' flexibility and cooperation in working together to address the numerous and complex issues that lie ahead for the ocean and for fisheries.

**Mr. Nagano (Japan):** At the outset, I would like to take this opportunity to thank Ms. Natalie Morris-Sharma of Singapore and Mr. Andreas Kravik of Norway for their excellent work as coordinators of draft resolution A/78/L.15 and draft resolution A/78/L.13, respectively. Japan also wishes to express our appreciation for the contributions of our fellow Member States and the invaluable support provided by the Division for Ocean Affairs and the Law of the Sea.

As we have done in past years, Japan decided to co-sponsor the important draft resolution on oceans and the law of the sea (A/78/L.15), because it strongly believes in the universal and unified character of the United Nations Convention on the Law of the Sea (UNCLOS), which governs all activities in the oceans and seas, in particular the freedom of navigation and overflight, freedom on the high seas, the protection and preservation of the marine environment and the peaceful settlement of disputes.

However, we have observed developments in recent years that go against the maritime order based on the rule of law. Taking into consideration the universal and unified character of UNCLOS, all maritime claims must be made based on the relevant provisions of UNCLOS, which is the basis for determining the legitimate rights and interests of States over maritime zones. It is unacceptable to make legal assertions as if there were a general international law to override matters that are comprehensively covered under UNCLOS.

In that respect, Japan has been advocating three principles of the rule of law at sea. First, States should make and clarify their claims based on international law. Secondly, States should not use force or coercion in trying to drive their claims. Thirdly, States should seek to settle disputes by peaceful means.

This year, the world achieved new progress towards the development of the maritime order under UNCLOS. In the field of maritime environmental protection, a legally binding international instrument — the new Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ) — was adopted in June after nearly 20 years of tireless negotiations. The BBNJ represents the strong will of the international community as a whole to address the long-standing issue of the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.

For the purpose of the conservation and sustainable use of marine biological diversity, Japan has actively engaged in various efforts, including by making voluntary contributions through the Japan Biodiversity Fund under the Convention on Biological Diversity and through its proactive engagement in the negotiation of an international agreement to address pollution from plastic litter. We believe that those efforts will assist in the effective implementation of the BBNJ. Ensuring the effective implementation of the agreement requires universal participation by Member States, and Japan calls for its rapid entry into force and implementation, as mentioned in the Group of Seven Hiroshima leaders' communiqué.

Japan also re-emphasizes its serious concern about the adverse effects of climate change on the oceans and seas. As a maritime country, Japan is particularly keen to address the impact of sea level rise caused by climate change. Sea level rise is another pressing issue that the international community is facing today, and it has direct relevance to peace and security around the world. That is because many countries, including island States, are exposed to imminent threats and various uncertainties caused by sea level rise. Legal stability and predictability based on international law are the necessary foundations for States in tackling the challenges posed by sea level rise. For that reason, the primacy of UNCLOS, which sets out the legal framework within which all activities in the oceans and seas must be carried out, needs to be maintained. This year, Japan officially adopted the position that it is permissible to preserve the existing baselines and maritime zones established in accordance with UNCLOS, notwithstanding the regression of coastlines caused by climate change. Japan appreciates the work on that matter by the International Law Commission since 2019 and hopes that, in parallel with that work, the discussion will be further deepened among States.

We deeply regret that one delegation has chosen to make a groundless accusation against Japan today. With regard to advanced liquid processing system (ALPS)-treated water at the Fukushima Daiichi nuclear power station, Japan never discharges the treated water into the sea in a way that endangers human health and the marine environment. The International Atomic Energy Agency (IAEA)'s comprehensive report on the safety review of the ALPS-treated water at the Fukushima Daiichi nuclear power station also concluded that the approach to the discharge of the ALPS-treated water

into the sea and associated activities are consistent with the relevant international safety standards, and that the radiological impact on humans and the environment is negligible. The IAEA and international experts have been reviewing our efforts, and their review and monitoring will continue in a transparent way. That matter should not be subject to political discussions. We cannot accept any baseless allegations that lack scientific evidence. Japan remains fully committed to upholding transparency by providing information based on scientific evidence.

Japan will continue to cooperate with fellow Member States that share our common belief in the importance of the rule of law as a universal value and will make persistent efforts to ensure that end, especially to realize a free and open Indo-Pacific region.

Finally, let me reiterate Japan's wish that draft resolution A/78/L.15, which is the result of persistent work by Member States, will be duly adopted by the General Assembly.

**Mrs. Dime Labille** (France) (*spoke in French*): France fully aligns itself with the statement delivered on behalf of the European Union and its member States (see A/78/PV.43).

We would like to join others in thanking Norway and Singapore for facilitating the negotiations on draft resolutions A/78/L.13 and A/78/L.15, respectively, as well as the Secretariat, in particular the Division for Ocean Affairs and the Law of the Sea, for its consistent support.

It is important to note that those two draft resolutions once again recall the unique scope and universal purpose of the United Nations Convention on the Law of the Sea, which establishes a fundamental balance between the freedoms, rights and obligations of States and users of all seas and oceans. The Convention's legal framework was recently strengthened by the adoption, after more than 15 years of negotiations and five intergovernmental conferences, of the Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ). France warmly welcomes the adoption of that protective framework for the oceans, a step that is perfectly logical in the context of increasing awareness about the urgency of climate change and that will contribute to implementing the objective to protect at least 30 per cent of the seas and oceans by 2030, as set out in the Kunming-Montreal Global Biodiversity

Framework, adopted one year ago. Together with the European Union and its member States, France played a leading role in negotiating the agreement. It intends to continue its work in that regard, including in the framework of the BBNJ High Ambition Coalition, launched at the One Ocean Summit held in February 2022, in order to ensure that the agreement enters into force as quickly as possible.

In that regard, France joins the European Union and its member States in expressing its deep disappointment about the wording of draft resolution A/78/L.15, which it views as lacking in ambition. Indeed, we regret that it was not possible to agree on stronger, more action-oriented language in recognition of the historic nature and scope of ambition of the agreement. This comment also applies to the wording of the draft resolution concerning the Global Framework for Biodiversity recommended by the Second Committee (see A/78/461/Add.6).

Climate change is a major challenge, and all of us are extremely concerned about its negative effects. France, which is particularly concerned about rising sea levels vis-à-vis its territories in the Pacific Ocean, Indian Ocean and Caribbean regions, shares the legitimate concerns voiced by its overseas departments and territories and by small island States, for which the issue is vital. In that connection, we welcome the important work of the International Law Commission on the legal consequences of rising sea levels. We need to urgently identify and implement pragmatic solutions within the existing legal framework.

France would also like to take this opportunity to pay tribute to the outstanding work carried out by the three bodies set up under the United Nations Convention on the Law of the Sea.

First, the Commission on the Limits of the Continental Shelf continues to work tirelessly to carry out its essential work, and it must therefore be provided with adequate resources.

Secondly, France remains a fervent supporter of the International Seabed Authority and will continue to contribute actively to its work, not only in anticipation of the development of a legal framework that is as robust and protective of the environment as possible but above all to increase scientific knowledge of the deep seabed with a view to protecting it. In that regard, we remain fully committed to the development of scientific research and welcome the International

Seabed Authority Council's adoption of two decisions in July reflecting the willingness of States not to begin exploiting the deep seabed until the necessary legal framework has been adopted. We remain firmly committed to at least a moratorium on deep-sea mining and welcome the growing number of States that have adopted similar positions, as they are crucial for the preservation of the deep seabed.

Finally, we commend the work undertaken by the International Tribunal for the Law of the Sea, which like the International Court of Justice on a more global but complementary subject, has received a request for an advisory opinion on the obligations of States to protect and preserve the marine environment.

The fight against climate change, which is no longer confined to intergovernmental dialogue and increasingly involves civil society as well, is becoming an increasingly important part of the international debate. The twenty-eighth Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change, which is currently meeting to take stock of the commitments made at COP 21, should help set a new course for climate action by all countries and make it possible to limit the temperature increase to 1.5°C above pre-industrial levels.

*Mrs. Nabeta (Uganda), Vice-President, took the Chair.*

In conclusion, those are the issues that France and Costa Rica propose to address in the framework of the third United Nations Ocean Conference, which will be held in Nice in June 2025. That great moment of mobilization will be without a doubt an important milestone in our fight to protect the Ocean.

**Mr. Lippwe** (Federated States of Micronesia): The Federated States of Micronesia aligns itself with the statements delivered on behalf of the Group of 77 and China, the Alliance of Small Island States and the Pacific Islands Forum (see A/78/PV.43).

The United Nations Convention on the Law of the Sea (UNCLOS) is the constitution of the ocean, setting out the legal framework within which all activities in the oceans and seas must be carried out. In that respect, we look forward to the adoption of draft resolutions A/78/L.15 and A/78/L.13, and we thank the coordinators from Singapore and Norway for their work on the respective drafts.

Let me first turn to the work Micronesia has been part of in our own region, which is now reflected in the draft resolutions before us. In 2021, Pacific Islands Forum leaders adopted the landmark Declaration on Preserving Maritime Zones in the Face of Climate Change-related Sea-Level Rise. The support expressed by many members of the international community for the central elements of the Declaration, including several large groups of countries, is very welcome. We strongly urge other members of the international community to give positive consideration to the Declaration and to similarly indicate their support. In that connection, Micronesia has deposited with the Secretary-General all the charts and geographical coordinates of points for all of our maritime zones established under UNCLOS. We are also actively engaging with the Commission on the Limits of the Continental Shelf on various national submissions.

Along the same lines, our Pacific Islands Forum leaders last month adopted a new Declaration on the Continuity of Statehood and the Protection of Persons in the Face of Climate Change-Related Sea Level Rise. Among other things, it declares that the statehood and sovereignty of Forum members such as Micronesia will continue and the rights and duties inherent thereto will be maintained, notwithstanding the impact of climate change-related sea level rise. The Declaration further declares that Forum members, individually and collectively, bear an important responsibility for ensuring the protection of our people and are committed to protecting persons affected by climate change-related sea level rise, including with respect to human rights duties, political status, culture, cultural heritage, identity and dignity, and meeting essential needs. The Declaration concludes by calling upon the international community to support the Declaration and cooperate in achieving its purposes, consistent with the duty to cooperate and the principles of equity and fairness. We direct that call to our fellow members of the General Assembly and the international community.

Micronesia welcomes the new language in draft resolution A/78/L.15 highlighting the relevance to the conservation and sustainable use of the ocean and its resources of the United Nations Declaration on the Rights of Indigenous Peoples and the traditional knowledge of Indigenous peoples and local communities. We also welcome the new language in draft resolution A/78/L.13 on the contributions to the fisheries sector made by Indigenous peoples and local communities, as well as

the challenges they face in that sector. There is growing international recognition of the relevance of Indigenous peoples and local communities to multiple aspects of the ocean agenda. We look forward to working with members in the years ahead to build on the references in future draft resolutions to Indigenous peoples and local communities and their rights and knowledge.

I turn now to the work Micronesia is engaged in at the global level. We have seen important progress for the ocean in 2023. Earlier this year, we concluded negotiations on the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ). Micronesia is proud to have been the first country to sign the BBNJ, and we look forward to its speedy entry into force. Micronesia is also committed to the 30 by 30 target, and we welcome the adoption by consensus of the Kunming-Montreal Global Biodiversity Framework, including its target to protect 30 per cent of the world's coastal and marine areas by 2030.

Another important process we are engaged in is that of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment. We are hoping for speedy progress and a robust and ambitious final outcome. We also commend the work of Costa Rica and France in striving to finalize the modalities for the 2025 United Nations Ocean Conference and its preparatory work. We look forward to the early adoption of the upcoming draft resolution.

The sustainable management of our fisheries is fundamental for Micronesia and for the well-being of our people and our economies. We remain committed to managing those resources responsibly, in line with UNCLOS and related instruments. Climate change and ocean acidification are constant threats for Micronesia, and our fisheries are not immune. In that regard, we look forward to the seventeenth round of informal consultations of States parties to the United Nations Fish Stocks Agreement to be held next year, which will focus on the topic of sustainable fisheries management in the face of climate change.

Much has been achieved, yet more needs to be done. Micronesia will continue to contribute to the efforts of the international community to conserve and sustainably use our ocean and its resources for present and future generations of humankind.

**Mr. Jadoon** (Pakistan): Allow me at the outset to extend my appreciation to the Secretary-General and the Secretariat for the reports submitted under the agenda item entitled “Oceans and law of the sea” (A/78/67, A/78/77, A/78/113, A/78/129 and A/78/521).

Ocean health continues to experience a significant downturn, posing a grave threat to the planet’s most expansive ecosystem. The declining state of marine health is not just an environmental concern but also a socioeconomic issue that impacts the livelihoods of billions of individuals worldwide. Our oceans are under immense pressure and are grappling with a multitude of serious threats, including the devastating effects of climate change, which contribute to rising sea levels and increased ocean acidification. Environmental degradation and pollution — ranging from marine pollution to harmful chemicals — further deteriorate the health and sustainability of our oceans. The destruction of marine habitats and the loss of biodiversity are also pressing concerns.

New maritime technology presents a promising avenue for facilitating ocean observation, by fostering resilience in oceans and coastal communities and mitigating the effects of climate change. Those advancements could play a crucial role in decarbonizing the shipping industry, combating pollution and developing renewable energy sources. Enhanced data collection, which is made possible by those technologies, could significantly improve marine science and contribute to the objectives of the United Nations Decade of Ocean Science for Sustainable Development.

New maritime technologies hold the potential to help us meet the targets set in the 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal 14, on the conservation and sustainable use of the oceans, seas and marine resources. Yet, owing to the existing North-South digital divide, many developing States continue to face challenges in strengthening the means of implementation and developing partnerships for ocean sustainability. Coupled with the inadequate availability of and access to financing and investments for the development of sustainable ocean-based economies, that has caused a major challenge for the countries in the global South. Capacity-building initiatives, including the transfer of marine technology, are therefore imperative to address such challenges. All of that requires urgent action by the international community. Improving the governance of the oceans and strengthening legal frameworks is therefore essential for international peace

and security, interconnectivity, the blue economy and the timely achievement of the Sustainable Development Goals (SDGs).

Pakistan also attaches great importance to the work of the three bodies established under the United Nations Convention on the Law of the Sea — the International Tribunal for the Law of the Sea, the Commission on the Limits of the Continental Shelf (CLCS) and the International Seabed Authority (ISA). Since its establishment, the International Seabed Authority has functioned as the main organ for the management of the Area and its vast resources as the common heritage of humankind. While my delegation continues to follow the ongoing negotiations on finalizing the deep seabed mining code in the ISA with interest, it is our view that a robust and comprehensive regime for exploitation, including rules on equitable benefit-sharing, should be developed before mining could commence anywhere in the Area.

With the adoption of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction, the principle of the common heritage of humankind continues to guide and underpin the new legal regime for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, including the access to and sharing of benefits of marine genetic resources. Pakistan hopes that the new agreement will contribute to the realization of a just and equitable international economic order that considers the interests and needs of humankind as a whole, in particular the special interests and needs of developing States.

Pakistan sincerely appreciates the work of the CLCS, which has become more active each year because of the increasing number of submissions by States to determine the limits of their continental shelves beyond 200 nautical miles. In that regard, Pakistan would like to reiterate that, while examining submissions, the Commission should continue to give due regard to the rules of procedure of the CLCS. Where a land or maritime dispute exists, the Commission should not consider a submission made by any of the States concerned in the dispute until prior consent is given by all the States that are parties to such a dispute, in accordance with paragraph 5 (a) of annex I to the rules of procedure of the CLCS.

In conclusion, the Government of Pakistan reiterates its full commitment to the 2030 Agenda, including Sustainable Development Goal 14, on the conservation and sustainable use of the oceans, seas and marine resources. Pakistan stands ready to cooperate and collaborate with other nations in that endeavour.

**Ms. Squeff** (Argentina) (*spoke in Spanish*): At the outset, allow me to thank Singapore and Norway for their leadership in the conduct of the negotiations on draft resolutions A/78/L.15 and A/78/L.13, respectively.

As it does every year, my delegation wishes to reiterate that the United Nations Convention on the Law of the Sea (UNCLOS) is one of the clearest contributions to the strengthening of peace, security, cooperation and friendly relations among nations. The Convention constitutes one of the international instruments with the greatest economic, strategic and political repercussions. The goal of the Convention's negotiators was to resolve all issues relating to the law of the sea in a single instrument. Its provisions therefore form a delicate balance of rights and obligations of States, which must be preserved even when addressing new challenges to the law of the sea in the processes established within the framework of the General Assembly.

The conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction is one of the most relevant current topics in the law of the sea. That is why Argentina welcomes the recent adoption of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction, which constitutes an enormous achievement for multilateralism, in terms of its efforts to face the challenges of preserving the health of the oceans for present and future generations. That historic agreement will make an enormous contribution to the preservation and restoration of the marine environment and the advancement of scientific research around the world, which would not have been possible without the determination and sense of justice of the developing countries.

Argentina wishes to reiterate its recognition of the ongoing work carried out by the Commission on the Limits of the Continental Shelf and would like to express once again its concern about the conditions of service of its members. While there are provisional measures, a permanent solution to the issues raised remains to be found, including medical coverage. We must ensure that

the Commission has adequate resources and conditions of service that are commensurate with the importance of its work.

I would also like to recognize the vital work of the International Seabed Authority, as well as the importance of the negotiations on the mining code being held in its Council, which will enable the transition from the exploration phase to the phase of mineral resource exploitation in the Area.

Nonetheless, we understand that it would not be possible to move to the exploitation stage without adopting a robust regulatory framework that considers the technical, environmental and financial issues, which must be configured to ensure that exploitation activities carried out in the Area are in line with the best practices and standards available for the protection of the marine environment and the observance of the common heritage of humankind, as required by UNCLOS. In that regard, together with the mining regulations in the Area, the payment and benefit distribution mechanism should be defined and the enterprise should be operational, without which it would be incomplete.

My delegation wishes to reiterate its concern about a tendency to seek, through General Assembly resolutions, to legitimize the attempts of regional fisheries management organizations to adopt measures that surpass the spatial, material and personal scope of application of those entities. Argentina objects to General Assembly resolutions being interpreted in that way, in particular with respect to measures through which such organizations claim any type of authority with respect to ships flying flags of countries that are not members of those organizations.

In conclusion, I would like to point out that Argentina has a maritime coastline that extends for more than 3,000 miles and has always been a fervent defender of the international regime established by UNCLOS. We believe that, in order to maintain peaceful coexistence in the seas and oceans, it is of vital importance that the international community continue to address emerging issues of the law of the sea within the framework of UNCLOS. We take this opportunity to reiterate our call to all States that have not yet done so to ratify the Convention and contribute to its universality.

**Mrs. Adire** (Nauru): I thank you, Madam President, for this opportunity to speak on the important draft resolutions on oceans and the law of the sea (A/78/L.15) and sustainable fisheries (A/78/L.13).

Nauru associates itself with the statements delivered by the representative of Cuba on behalf of the Group of 77 and China, by the representative of Samoa on behalf of the Alliance of Small Island States and by the representative of the Kingdom of Tonga on behalf of the Pacific Islands Forum (see A/78/PV.43).

At the outset, allow me to convey our sincere appreciation to the facilitator from Singapore, Ms. Natalie Morris-Sharma, and the facilitator from Norway, Mr. Andreas Kravik, for bringing the negotiations on draft resolutions A/78/L.15 and A/78/L.13, respectively, to their successful conclusion. We were pleased with the constructive and time-efficient way in which they conducted our discussion. We also thank the Division for Ocean Affairs and the Law of the Sea for their efforts and support for our work.

The well-being of our people is closely connected to the resources provided to us by these waters, on which we heavily depend for our sustenance and livelihoods. That reliance was particularly pronounced during Nauru's past economic challenges, when the ocean stood as our primary source of income and nourishment, enabling our people to survive on its resources. Ensuring the ocean's integrity for its conservation and sustainable use is therefore paramount for Nauru.

Despite the significant developments made in ocean governance, we still face substantial challenges, including illegal, unreported and unregulated fishing and the escalating adverse impacts of climate change. Those threats endanger the diverse marine life, the health and the resilience of the ocean, thereby compromising the livelihoods, security and shared heritage of our global community. We therefore welcome draft resolutions A/78/L.15 and A/78/L.13, as they underscore the importance of ocean governance by keeping up to date with the work we are undertaking as a global community.

Nauru welcomes the progress made on the draft regulations for the exploitation of mineral resources in the Area at the International Seabed Authority (ISA). We have been actively working towards that goal, as reflected in our decision to utilize the two-year rule pursuant to the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, and we are committed to ensuring a successful outcome. We remain optimistic and will continue to work in good faith with the

members, and we continue to call on ISA members to finalize and adopt a world-class regulatory framework.

*Mrs. Tahzib-Lie (Kingdom of the Netherlands), Vice-President, took the Chair.*

At this juncture, I must underline Nauru's condemnation of Greenpeace International's disruption of activities in the Pacific Ocean. While we respect their right to free speech and peaceful protest, we believe that exercising such rights should not undermine our legitimate rights and ongoing efforts, including the right to exploration of our sponsored entity, Nauru Ocean Resources Incorporated. We strongly urge Greenpeace International to raise awareness for its cause without impeding our rights and our progress for development. Nauru reiterates that the Area and its resources are the common heritage of humankind. Any actions that jeopardize efforts to explore and study those resources not only contradict the principles of good faith but must also be dealt with effectively. Failure to do so will cause a dangerous precedent.

In the same vein, Nauru acknowledges the ISA Secretary-General's immediate measures to address that issue, and we take this opportunity to call on States and stakeholders to uphold and respect the principles of maritime law for global stability and equity. In our efforts to safeguard our oceans, let us prioritize the integrity of international maritime laws, including the United Nations Convention on the Law of the Sea, in safeguarding our oceans and its users. With that in mind, we welcome the encouragement for appropriate measures to be effectively implemented that will serve to enhance flag State performance and ensure adherence to international maritime regulations.

Nauru also takes this opportunity to emphasize the crucial need for addressing climate change. Climate change, driven primarily by increased greenhouse-gas emissions, manifests in various ways, including ocean acidification, rising sea levels, elevated ocean temperatures and biodiversity loss. Those changes have profound implications for the marine environment, its resources and the livelihoods of millions worldwide. Despite emitting the least amount of carbon, Nauru is committed to playing its part in contributing to finding solutions. That includes focusing our efforts at the national level. Our climate-resilient infrastructure includes the Smart Village project. We are also investing in the responsible sourcing of critical metals from the Area, specifically polymetallic nodules, which are vital



in clean renewable energy technologies. We are also supporting the discussions on the topic of sea level rise and participating in proceedings before international courts, namely, the International Tribunal for the Law of the Sea, as well as in the upcoming International Court of Justice proceedings, providing advisory opinions that will offer us some clarity and guidance. Nauru firmly believes that collective action and shared responsibility are cornerstones for the substantial progress needed to stave off climate change disasters. We therefore strongly encourage all to take decisive action and to be ambitious in order to reduce greenhouse-gas emissions and support climate adaptation.

We also take a moment to welcome the successful conclusion of the negotiations on the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity Beyond Areas of National Jurisdiction (BBNJ). Nauru was an active participant in those negotiations for more than a decade. The adoption of the Agreement earlier this year is a cause for celebration, but we cannot rest on our laurels. Much work still needs to be done, and we call for international support to build our capacity in terms of ratifying and implementing the provisions of the BBNJ, including the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

We welcome specific recommendations that focus on areas such as capacity-building, the peaceful settlement of disputes and the global process for reporting on the state of the marine environment, including socioeconomic aspects. We commend the efforts of those bringing light to those issues as of paramount importance.

In conclusion, we must work together to ensure a healthy, productive and resilient ocean for our present and future generations. I would like to end by stressing that our oceans connect us all; it is therefore in our best interest — and a duty — to unite for the oceans, as well as in supporting draft resolutions A/78/L.15 and A/78/L.13.

**Ms. Chan Valverde** (Costa Rica) (*spoke in Spanish*): Costa Rica would like to thank the Secretary-General for his reports (A/78/67 and A/78/339).

We are extremely concerned about the information relating to the serious deterioration of ocean health as a result of human activities that affect marine biodiversity

due to overexploitation. The reports provide details about the issues we face, such as the importance of oceans, the unsustainable exploitation of fish stocks, and the coastal waters that are polluted with chemicals, plastics and human waste. In addition to that, we must emphasize human-induced climate change, which is warming the oceans, disrupting weather systems and ocean currents and altering ecosystems and marine species. Attention to those issues requires united and urgent action by States, the private sector and other relevant stakeholders.

That is why, as a small coastal State, we believe that ocean health is an existential priority. Costa Rica would therefore like to make three points.

First, Costa Rica underscores the growing interest that the Blue Agenda has deservedly been receiving in recent years. The recent high-level weeks of the General Assembly recognize that, but greater action is still required. My country is committed to ramping up its efforts aimed at achieving the objectives of the Blue Agenda. We welcome the recent adoption of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction. We believe the signing ceremony for the agreement to be of paramount importance. The fact that 84 States have already signed it is encouraging, and we hope for the swift entry into force of the agreement. Our country has already signed it and is taking the steps for its swift adoption in its Legislative Assembly. We also underscore the establishment of country coalitions, such as a group of like-minded States, on sea level rise, which is an existential problem for all coastal and island States, in particular the smallest among them. In spite of progress, we deplore the fact that Sustainable Development Goal 14 remains one of the Goals that receives the least funding for its implementation.

Secondly, along with France, we have addressed the challenge of organizing the third United Nations Ocean Conference in 2025, which is a great honour for my country. I reiterate our gratitude for the trust that Members have placed in us to co-host the third Conference and would like to thank all delegations that have shown their support, flexibility and commitment during the consultations for the negotiation of a draft resolution on the modalities for the conference. With the support of all members, we expect a swift adoption of the text by consensus so that we can continue to strengthen the commitment and enthusiasm demonstrated to date,

at the high-level meeting that will be held in Costa Rica on 7 and 8 June and later at the third United Nations Ocean Conference to be held in Nice, France. During that process, we will seek action-based results, based on responsibility, participation and the firm commitment of all interested parties. The high-level event on ocean action to be held in Costa Rica is aimed at opening up a space for sharing good practices and successful experiences relating to ocean governance and ocean health. It seeks to address topics that are relevant to the global ocean agenda and to drive forward specific measures that can be implemented to address the serious environmental crisis we are facing. At the event on the theme “Immersed in change”, we will analyse concrete examples of good practices in order to promote the sustainable use of resources, in particular with regard to fishing resources, combating ghost fishing, the blue economy, satellite technology for the conservation and sustainable use of oceans, the promotion of global access to ocean-cleaning technology, scientific developments to address plastic pollution of the oceans, the effective implementation of global agreements and the mobilization of the financial resources and mechanisms that are necessary and available for effective ocean health and ocean governance.

Thirdly, with regard to deep-sea mining, Costa Rica welcomes the increasing support for an extension of the precautionary pause before exploration starts and thanks all States that have been involved in that initiative within the context of the International Seabed Authority. Costa Rica, together with 24 other States, seeks to ensure that no deep-sea mining activities are started unless there is conclusive evidence that they will not harm the marine environment, and that no mining activities will go ahead until a robust regulatory framework has been adopted that includes strong environmental safeguards. We encourage all Member States to join that call for the effective protection of the oceans.

Lastly, I must express my delegation’s displeasure about the schedule of negotiations on draft resolutions A/78/L.13 and A/78/L.15, submitted under the agenda item entitled “Oceans and the law of the sea”, which continues to create conflict with negotiations or activities related to the work of the Sixth Committee on legal affairs. Today’s debate is an example of that. I encourage all of us to review the situation so that, in the future, the negotiations will be truly inclusive, especially for small delegations such as mine.

**Mr. Proskuryakov** (Russian Federation) (*spoke in Russian*): We would like to thank the Secretary-General for his most recent reports on maritime affairs submitted to the General Assembly (A/78/67 and A/78/339).

Our delegation declares its firm commitment to the 1982 United Nations Convention on the Law of the Sea and advocates for States’ reasonable implementation of all its provisions. We firmly believe that unwavering compliance with a proper interpretation and application of the norms of the Convention is crucial in order to preserve the comprehensive regime for carrying out human activities in the world’s oceans.

We urge those States that have not yet signed that international treaty to consider doing so in the near future. We believe that further development of international maritime law should be based on the foundation that was laid in the 1982 Convention. Our delegation does not support any initiatives that, even for the very best reasons, might in practice harm the Convention’s unique system of norms and its delicate balance of interests.

With regard to the entities that were established under the Convention, I would like to make the following points.

We underscore the important contribution of the Commission on the Limits of the Continental Shelf to implementing the provisions of article 76 of the Convention. A serious challenge for the Commission is the significant increase in its workload. The authors of the Convention did not foresee the volume of work that the experts of the Commission are now encountering in practice. Therefore, the Commission is the only treaty body without its own budget or secretariat. In that regard, the aim of establishing appropriate conditions of service for the members of the Commission is something we deem to be a priority. We trust that doing that will, among other things, help to increase the pace of consideration of submissions by coastal States. We support efforts to find specific ways to optimize that, inter alia, within the Open-ended Working Group on the Conditions of Service of the Members of the Commission on the Limits of the Continental Shelf, which would be feasible and would not require changes to the Convention. We underscore the importance of those States that put forward experts for the Commission complying with their obligations related to its work. We also support greater involvement and interaction between the Commission and the States

making submissions to establish the outer limits of the continental shelf beyond 200 nautical miles.

The Russian delegation is actively involved in ongoing work within the International Seabed Authority to develop a system of norms regulating the various aspects of the exploitation of mineral resources in the area. We are closely following the increase in the number of cases submitted for consideration by the International Tribunal for the Law of the Sea. We expect an advisory opinion to be rendered on the climate obligations of States. We trust that in its preparations, the Tribunal will draw on the norms of the 1982 Convention.

In the light of the increased economic activity by States in the world's oceans, one pressing issue is the protection of the marine environment. However, it is very important to strike a balance between conservation and the sustainable use of ocean resources. We therefore need a comprehensive approach. We welcome practical steps in that area as part of the regular process of the World Ocean Assessment, including with respect to socioeconomic issues.

The Russian Federation is in favour of in-depth maritime scientific research to expand knowledge of the world's oceans and their various ecosystems and the processes under way. Such work should be carried out on a robust international legal basis. The Review Conference on the 1995 United Nations Straddling Fish Stocks Agreement was held this year. States were able to give their views on how the recommendations agreed at the 2016 Review Conference are being implemented. They were also able to share their experience and discuss current challenges and develop new recommendations to increase the effectiveness of implementing the provisions of the agreement. We view that agreement and regional fisheries management organizations and arrangements as time-tested instruments for regulating fisheries in areas beyond national jurisdictions. We urge those States that have not yet done so to consider acceding to the agreement.

Our delegation supports the annual draft resolutions submitted for consideration by the General Assembly on sustainable fisheries (A/78/L.13) and on oceans and the law of the sea (A/78/L.15). Many of their provisions were the result of hard-won compromises. We note, however, that there is a long-standing need to improve working methods. In particular, there is a trend towards allowing an unjustified expansion of the

thematic scope of draft resolutions, that is, by including unrelated subjects. There has also been a huge increase in the number of circulated texts. An endless flow of proposals that are not directly related to the subject of the draft resolutions may obscure the main objective of our joint work, which is to develop a package of practical recommendations for industry specialists to establish the best conditions for preserving and sustainably using the world's oceans and their resources.

It is important to recall that, if draft resolutions are merely expansive and unstructured, so that only the representatives who come to New York who will read them once a year, we cannot deem them to be successful. In that regard, we welcome and support the efforts made to decrease their number and to streamline the historic provisions in draft resolution A/78/L.15, which is definitely a step in the right direction, although we regret that they have not yet been successful. We hope that further progress will be made in the future. Meanwhile, we urge all delegations, when putting forward additions to the text of draft resolutions, to focus on the specific subject matter at hand and to refrain from introducing secondary subjects, in particular those that are included in other General Assembly draft resolutions or addressed in the decisions of other specialized international organizations.

In conclusion, we would like to express our gratitude to the coordinators of the informal consultations on draft resolutions A/78/L.15 and A/78/L.13, Natalie Morris-Sharma and Andreas Kravik, respectively. The negotiations were successful, constructive and based on finding mutually acceptable solutions under their leadership. We would also like to thank the Division for Ocean Affairs and the Law of the Sea and the Secretariat for their effective assistance in this work.

**Mr. Alajmi** (Kuwait) (*spoke in Arabic*): Today we highlight an international convention that sets out the legal framework for the seas and oceans. Seas are an integral part of the nature and history of the State of Kuwait. Since its establishment three centuries ago, the State of Kuwait has relied on its eastern gateway, which is the Arabian Gulf. Kuwaitis consider it a primary source of food, livelihood and trade and it has become part of their identity.

Owing to the vital importance of the sea and its profound impact on the life of Kuwaitis, the *Alboum*, a vessel built by Kuwaitis, became the national symbol of the State. It is depicted between the two wings of

a hawk, as a symbol of dignity and freedom. The sea was therefore a source of trade and wealth, as well as a fertile environment providing us with fish and pearls and a way to reach other nations.

Since gaining its independence and joining the United Nations as the 111th Member State on 14 May 1963, the State of Kuwait has spared no opportunity to take part in all conventions and initiatives that contribute to regulating and codifying international relations. From that standpoint, the State of Kuwait supports the United Nations Convention on the Law of the Sea (UNCLOS), in particular draft resolution A/78/L.15, within international law and regulations and in accordance with our foreign policy, the established principles, the laws of our Constitution and our right to sovereign practices.

The State of Kuwait also supports the legal mechanisms and principles stipulated in the United Nations Convention on the Law of the Sea. We commend the efforts made by the Office of Legal Affairs and the Division for Ocean Affairs and the Law of the Sea. We also value the efforts of our friends in the delegation of the Republic of Singapore and the countries that have worked tirelessly on follow-up and coordination in relation to that important Convention.

My country urges respect for the global concept and universal acceptance of UNCLOS. The Convention sets out a comprehensive system that includes in its rules the ways to use seas and their resources. My country also supports the International Tribunal for the Law of the Sea, located in Hamburg, given the importance of its work as the body with jurisdiction over any dispute relating to the interpretation or implementation of the Convention.

Since the State of Kuwait signed the United Nations Convention on the Law of the Sea, my country has supported and contributed in several areas outlined in the Convention and related areas, such as by hosting the permanent headquarters of the Regional Organization for the Protection of the Marine Environment since its establishment in 1979. That organization aims to unite the efforts of its members to protect the marine environment in the Arabian Gulf, be it that of beaches or of marine life and coral reefs.

The State of Kuwait also supports scientific research to protect the marine environment by providing resources to research institutions such as Kuwait University and the Kuwait Institute for Scientific

Research, which have launched several projects, the most recent of which is a project on the *Explorer* ship, which is involved with marine science research, managing fishery resources, preserving the marine environment and sustainability as part of food security, preserving biodiversity and the stability and balance of the marine environment and helping the Government to establish appropriate policies.

When the State of Kuwait signed the United Nations Convention on the Law of the Sea, it regarded — and continues to regard — the Convention as an international constitution of the oceans on all matters related to the seas and oceans, which also governs the rights of the nations of the world to benefit from everything stipulated therein. However, we have recently been witnessing how the sisterly State of Palestine, which signed the Convention on 2 January 2015, has been robbed of its rights to benefit from the sea adjacent to the Gaza Strip, and its people have been deprived of reaping its wealth and benefits as a result of the blockade imposed by the Israeli occupation authorities.

In the interest of the global order, we must respect and apply the Convention so that it can be enjoyed by all its signatories. How long will Palestine be prevented from exercising its sovereignty and benefiting from the constitution of the oceans? From this rostrum, I affirm that the State of Kuwait, as a hub of humanitarian action, is working tirelessly to provide relief and assistance to those in need among the vulnerable and afflicted worldwide. That is what the Government and the people of the State of Kuwait are accustomed to do.

Against that backdrop, my country calls on the General Assembly to look seaward in the direction of the Gaza Strip in the near future, when the ship *Gaza Relief*, which is equipped by Kuwaiti hands with the participation of 30 Kuwaiti charities and in cooperation with the Turkish Red Crescent, will set off bearing more than 1,200 tons of necessary relief aid to our Palestinian brethren. We hope that it will reach them safely without any harm being inflicted by the brutal Israeli occupation forces, as has so often been the case.

Just as the sea has been important to the State of Kuwait, in the past and to this day, it is also important to all peoples of the world, including the fraternal Palestinian people, at this critical juncture, making it one of the lifelines that will restore life and stability to the Gaza Strip.

**Mr. Douglas** (Jamaica): Jamaica aligns itself with the statement delivered by the representative of Cuba on behalf of the Group of 77 and China (see A/78/PV.43).

Jamaica's economy and society depend on the marine environment and resources, not only to thrive but in many ways to survive. A healthy ocean is critical to support marine biodiversity, and through it to support livelihoods, food security, trade and security. Unfortunately, the ocean is under threat. In addition to the unsustainable use of the ocean by some economic actors, sea level rise, coastal erosion, increased sea temperature, marine biodiversity loss and other impacts of climate change affect economies such as ours that depend on the ocean. We look forward to receiving the advisory opinion of the International Court of Justice, which we believe will be helpful in clarifying the obligations of States in respect of climate change.

It is in that context that Jamaica supports efforts to protect the oceans and ocean resources. We are committed to the conservation and sustainable use of the oceans. A healthy and well-managed ocean is essential for our sustainable development, including through participation in the blue economy. Jamaica therefore welcomes the adoption of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ), which has been open for signature since 20 September. Jamaica is taking steps domestically towards an early ratification of the agreement. We are pleased to note the number of signatories to date and urge all States Members of the United Nations to ratify the agreement as soon as possible in order to allow for the entry into force of the agreement and its implementation.

The BBNJ will serve well in addressing the long-standing gaps in global governance of the oceans, with its specific focus on the areas beyond national jurisdiction. The high seas cover the largest area of the ocean, which itself covers the largest surface of our planet. Together with Sustainable Development Goal 14 and the BBNJ, the adoption of the Kunming-Montreal Global Biodiversity Framework complements the global architecture for the protection of biodiversity.

In view of the impact of plastic pollution, including on the oceans, Jamaica is also actively participating in the intergovernmental negotiating committee to develop an instrument to address the full life cycle of plastics, including their design, production, use and disposal. We

are also actively engaged in negotiations to complete the second phase of the negotiations on fisheries subsidies at the World Trade Organization, as we seek to join global efforts in addressing the issues of illegal, unreported and unregulated (IUU) fishing, overfishing and overcapacity. Those initiatives are a testament to the significant role of multilateralism in dealing with issues of ocean governance, with the United Nations Convention on the Law of the Sea at its core.

Given my country's role as host to the International Seabed Authority, ocean affairs remain a priority issue for Jamaica at the United Nations. We support the Authority's strategic plan for 2024 to 2028 and will continue our collaboration with partners in its implementation.

As we undertake a collective effort to enhance governance for the future of our oceans, technical assistance and capacity-building for developing countries, including small island developing States, must be a critical part of our work. All members should be adequately capacitated to contribute to that important global thrust in order to address such matters as IUU fishing, gaps in fisheries management, decarbonization in shipping, marine pollution, access to new marine technologies, the use of the oceans to facilitate illegal activities and the need to improve research capacity in that area. Jamaica also takes the view that the achievement of effective ocean governance can be bolstered by bilateral and regional cooperation, especially in order to address the issue of using the oceans for criminal purposes.

Jamaica thanks the delegations of Norway and Singapore for their coordination of the negotiations on draft resolutions A/78/L.13 and A/78/L.15, respectively. The tradition of adopting draft resolutions under the item entitled "Oceans and the law of the sea" is a critical component of the United Nations work on oceans issues and as such should be sustained. Jamaica therefore supports the adoption of those draft resolutions.

In conclusion, Jamaica reaffirms its commitment to the continuous improvement of the governance of oceans affairs for the future of the oceans. We will continue to play our part in ensuring that use of the ocean and ocean resources are sustainable so that the common heritage of humankind can better serve the needs of future generation.

**The Acting President:** I now give the floor to the President of the International Tribunal on the Law of the Sea.

**Mr. Heidar** (International Tribunal for the Law of the Sea): It is a great honour for me to take the floor, on behalf of the International Tribunal for the Law of the Sea, during the seventy-eighth session of the General Assembly, on the occasion of its examination of the agenda item “Oceans and the law of the sea”.

In these brief remarks, I will report on the main organizational and judicial developments that have taken place since the last meeting of the General Assembly on this topic (see A/77/PV.51), in December 2022. As regards organizational matters, I wish to inform the Council that, on 14 June, the Meeting of States Parties to the United Nations Convention on the Law of the Sea elected seven judges to the Tribunal for a term of nine years. I was re-elected and six judges were newly elected — namely, Ms. Frida María Armas Pfirter of Argentina, Mr. Hidehisa Horinouchi of Japan, Mr. Thembile Elphus Joyini of South Africa; Mr. Osman Keh Kamara of Sierra Leone, Mr. Konrad Jan Marciniak of Poland and Mr. Zha Hyoung Rhee of the Republic of Korea. The new judges were sworn in on 2 October in Hamburg. Let me highlight that, as a result of those elections, the Tribunal now counts six female judges among its members.

On 30 September, my predecessor, Judge Albert Hoffmann of South Africa, completed his three-year term as President of the Tribunal. On 2 October, I was elected President of the Tribunal for a three-year term. On the same day, Judge Neeru Chadha of India was elected Vice-President of the Tribunal. Judge David Joseph Attard of Malta was elected President of the Tribunal’s Seabed Disputes Chamber on 4 October.

I would now like to focus on the judicial work of the Tribunal, starting with the *Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean*. As was previously reported, that case was submitted to a Special Chamber of the Tribunal by a special agreement concluded on 24 September 2019. In the first phase of the case, devoted to the preliminary objections raised by the Maldives, the Special Chamber held that it had jurisdiction to adjudicate upon the dispute concerning the delimitation of the maritime boundary between the parties in the Indian Ocean and that the claim submitted by Mauritius in that regard was admissible.

The proceedings on the merits subsequently resumed. On 28 April 2023, the Special Chamber delivered its judgment on the merits.

Allow me to summarize the main findings of that judgment, which the Special Chamber adopted by unanimous vote, while also highlighting some of its contributions to the jurisprudence on maritime delimitation.

The Special Chamber first considered the delimitation of the exclusive economic zone and the continental shelf within 200 nautical miles and found that the appropriate method to be applied in that respect was the equidistance/relevant circumstances method. Under that method, the first step to be taken is the construction of a provisional equidistance line. In that regard, the key issue that divided the parties was whether a maritime feature known as Blenheim Reef could be used as the location of base points. The Special Chamber thus examined that issue in two respects, namely, with regard to Blenheim Reef’s status as a low-tide elevation or low-tide elevations and as a drying reef or drying reefs.

I recall that article 13 of the Convention defines a low-tide elevation to be “a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide”. The Special Chamber did not find that there was a general rule that requires that such a feature be disregarded in selecting base points for the purpose of delimitation. Rather, it held that

“[t]he selection of base points on a low-tide elevation depends on whether it would be appropriate to do so by reference to the geographical circumstances of the given case”.

At the same time, the Special Chamber noted that international courts and tribunals have rarely placed base points on a low-tide elevation for the construction of the provisional equidistance line, and that it “would be hesitant to place base points on Blenheim Reef unless there is a convincing reason to do so”.

Having considered the impact that Blenheim Reef would have on the provisional equidistance line in the case before it, the Special Chamber found that Blenheim Reef, as a low-tide elevation, was not a site for appropriate base points for the construction of the provisional equidistance line.

With regard to the question of whether Blenheim Reef could be a site for base points as a drying reef or

drying reefs, I recall that such features are referred to in article 47, paragraph 1, of the Convention in the context of the drawing of archipelagic baselines by archipelagic States. The Special Chamber noted that Mauritius and the Maldives “are two of 22 States which have declared themselves archipelagic States in accordance with article 46 of the Convention” and that “[a]ccording to article 47, appropriate points for archipelagic baselines can be placed on outermost islands and drying reefs”.

However, the Special Chamber found that “there is nothing in article 47 which suggests that such points should also be base points for the construction of the provisional equidistance line”.

The Special Chamber also observed that “there is no specific provision in the Convention which governs the delimitation of maritime zones between archipelagic States” and that “[a]rticles 15, 74, and 83 of the Convention govern the delimitation of the territorial sea, the exclusive economic zone and the continental shelf between archipelagic States as between any other States with opposite or adjacent coasts”.

In conclusion, the Special Chamber found no reason to “change its previous finding that no base points can be located on Blenheim Reef for the construction of the provisional equidistance line.”

A further issue contested between the Parties concerned the question whether the distance requirements of article 47, paragraph 4, of the Convention applied in drawing Mauritius’ archipelagic baselines at Blenheim Reef. I add that this provision imposes some restrictions on the possibility of drawing archipelagic baselines to and from low-tide elevations.

On that issue, the Special Chamber observed that it was “common ground between the Parties that every drying reef is a low-tide elevation” and that the Parties agreed that Blenheim Reef was a drying reef. It considered that there was

“thus no question that Mauritius may draw straight archipelagic baselines joining the outermost points of outermost islands and drying reefs of the Chagos Archipelago, including Blenheim Reef.”

Furthermore,

“In the Special Chamber’s view, because a drying reef is a low-tide elevation, it is plain that article 47, paragraph 4, which applies to low-tide elevations, should apply when archipelagic

baselines are drawn joining the outermost points of outermost islands and ‘drying reefs.’”

The Special Chamber thus considered that “the requirements of article 47, paragraph 4, apply in drawing archipelagic baselines in accordance with article 47, paragraph 1, of the Convention.”

The Special Chamber then constructed a provisional equidistance line from the base points it had selected. Thereafter, it proceeded to determine whether any relevant circumstances existed requiring an adjustment of the provisional equidistance line in order to achieve an equitable solution. In that respect, the Special Chamber found that Blenheim Reef constituted such a relevant circumstance and decided to give Blenheim Reef half effect and to adjust the provisional equidistance line accordingly.

Through its handling of the delimitation within 200 nautical miles, the Special Chamber has made several contributions to the jurisprudence of international courts and tribunals. I wish to note two significant points in that respect.

First, the case is remarkable in that it concerned delimitation between two archipelagic States. Accordingly, the Special Chamber was presented with a rare opportunity to elucidate various features of the legal regime of archipelagic States, including archipelagic baselines and drying reefs. Another important point worth emphasizing is the treatment of a low-tide elevation, *in casu* Blenheim Reef, as a relevant circumstance in the second stage of applying the equidistance/relevant circumstances method. That aspect of the judgment may be deemed an innovation in the case law of maritime delimitation.

Having completed the delimitation within 200 nautical miles, the Special Chamber turned to the question of the delimitation of the continental shelf beyond 200 nautical miles. It should be mentioned that both parties had made submissions to the Commission on the Limits of the Continental Shelf (CLCS) with respect to the area at issue in that case, but the CLCS had not yet made recommendations to them. The Special Chamber found that its jurisdiction included the delimitation not only of the continental shelf within 200 nautical miles but also of any portion of the continental shelf beyond that limit. However, having considered three different routes for natural prolongation to the foot of slope point on which Mauritius based its claim of entitlement to the continental shelf beyond 200 nautical miles, the

Special Chamber considered that the first route was impermissible on legal grounds under article 76 of the Convention, and that there was significant uncertainty as to whether the second and third routes could form a basis for Mauritius' natural prolongation to the critical foot of slope point. The Special Chamber concluded that, given the significant uncertainty, it was not in a position to determine the entitlement of Mauritius to the continental shelf beyond 200 nautical miles in the Northern Chagos Archipelago region. Consequently, in the circumstances of the case, the Special Chamber did not proceed to delimit the continental shelf beyond 200 nautical miles between Mauritius and the Maldives.

That part of the judgment contains several findings that are worthy of closer analysis. A major contribution is the meticulous manner in which the ITLOS Special Chamber applied the significant uncertainty standard first developed by the Tribunal in the landmark *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)*. What transpires from that judgment is that the Special Chamber engaged in a careful and lucid assessment not only of the legal arguments but also of the supporting evidence presented by the parties. In addition to applying the significant uncertainty standard, the Special Chamber explained the underlying rationale for its use. The judgment clarifies that the standard serves to minimize the risk that the CLCS might later take a different position regarding entitlements in its recommendations from that taken by a court or tribunal in a judgment. Moreover, the judgment explains that caution was further warranted in the present case by the risk of prejudice to the interests of the international community in the international seabed area and the common heritage principle. In sum, the Special Chamber has provided a well-reasoned and prudent blueprint that other international courts and tribunals may wish to follow, in appropriate circumstances, when dealing with the question of entitlement to the continental shelf beyond 200 nautical miles.

I now turn to the second case on which I will report, the *M/T Heroic Idun (No. 2) Case (Marshall Islands/Equatorial Guinea)*. Following the institution by the Marshall Islands of arbitral proceedings under annex VII to the Convention against Equatorial Guinea in the dispute concerning the *M/T Heroic Idun* and its crew, the President of the Tribunal held consultations with the parties at the Tribunal in Hamburg on 18 April to

discuss the composition of the arbitral tribunal. On that occasion, the Marshall Islands and Equatorial Guinea agreed to transfer the arbitral proceedings to a special chamber of the Tribunal to be constituted pursuant to article 15, paragraph 2, of the Statute of the Tribunal. By order of 27 April 2023, a special chamber of the Tribunal composed of five members was formed to deal with the dispute concerning the *M/T Heroic Idun* and its crew between the two States. That case has been entered into the Tribunal's list of cases as Case No. 32. By orders of 19 May and 16 November, the President of the Special Chamber fixed the time limits for the filing of the memorial and counter-memorial.

Significant developments have taken place in another case currently pending before the Tribunal, namely, the request for an advisory opinion submitted by the Commission of Small Island States on Climate Change and International Law. It bears recalling that, on 26 August 2022, the Commission of Small Island States on Climate Change and International Law, which I will refer to as "the Commission", decided to request an advisory opinion from the Tribunal on two questions: what are the specific obligations of State parties to the United Nations Convention on the Law of the Sea, including under Part XII (a), to prevent, reduce and control pollution of the marine environment in relation to the deleterious effects that result or are likely to result from climate change, including through ocean warming and sea level rise, and ocean acidification, which are caused by anthropogenic greenhouse-gas emissions into the atmosphere, and under Part XII (b), to protect and preserve the marine environment in relation to climate change impacts, including ocean warming and sea level rise, and ocean acidification?

The request for an advisory opinion was filed with the Registry on 12 December 2022 and entered into the list of cases as Case No. 31. On 16 December 2022, the President of the Tribunal issued an order on the conduct of proceedings in the case and fixed 16 May 2023 as the time limit within which States parties to the Convention, the Commission and other intergovernmental organizations listed in the annex to the order might present written statements on the questions submitted to the Tribunal for an advisory opinion. That time limit was later extended to 16 June. In addition, and upon their request, the President decided to consider the African Union, the International Seabed Authority and the Pacific Community as likely to be able to furnish information on the questions submitted



to the Tribunal, and therefore invited them to do so within the time limit. Written statements from 31 States parties and eight intergovernmental organizations were filed within the time limit fixed by the President. After the expiry of that time limit, further written statements were received from Rwanda, India and the Food and Agriculture Organization of the United Nations. Those written statements were admitted and included in the case file. By order of 30 June, the President of the Tribunal fixed 11 September as the date for the opening of the hearing and invited those wishing to make oral statements to indicate their intention to do so not later than 4 August. The public hearing was held from 11 to 25 September. I am pleased to inform the Assembly that a large number of participants made oral statements in those historic proceedings. In total, delegations from 33 States parties and four intergovernmental organizations participated in the hearing. The Tribunal is now deliberating on the case and will deliver its advisory opinion in due course.

As members are aware, the Tribunal is committed to the advancement of the peaceful settlement of disputes related to the law of the sea, not only through its contentious jurisdiction but also by disseminating information and conducting capacity-building programmes for current and future generations. Allow me to give Member States a brief overview of our recent activities in that field.

The Tribunal held a regional workshop on the settlement of disputes related to the law of the sea in Nice, France, in June 2023 — the sixteenth in a series of workshops held in different regions of the world to provide national experts with practical information on the dispute-settlement procedures available before the Tribunal. Representatives of 10 States attended the Nice workshop, which was organized in cooperation with the Institute for Peace and Development at Côte d'Azur University. I thank the Republic of Cyprus, France and the Korea Maritime Institute for their generous support.

I am also pleased to report that two large events were held on the premises of the Tribunal in 2023. In July, we hosted the second ITLOS Workshop for Legal Advisers. Over the course of six days, participants from 21 African States attended sessions dedicated to procedural and substantive issues, including the role of the Tribunal in settling law of the sea disputes, an overview of proceedings before the Tribunal, maritime delimitation and issues concerning the continental shelf, marine environment, fisheries and navigation. I

wish to extend my gratitude to the Republic of Korea for sponsoring and assisting in the organization of that successful event. Furthermore, as per tradition, the International Foundation for the Law of the Sea organized its annual Summer Academy, offering the enrolled participants a wide array of courses on the law of the sea and maritime law taught by a distinguished faculty.

The Tribunal's programmes for recent graduates and early career professionals remain as active as ever. We have hosted several interns in our internship programme in 2023. I recall that a trust fund set up by the Tribunal is available to assist interns from developing countries, and several grants have been contributed to the fund over the years, most notably by the Korea Maritime Institute and the Ministry for Foreign Affairs of the People's Republic of China. I wish to express my deepest appreciation to them for their support. The Tribunal also has continued its capacity-building and training programme in international dispute settlement in the law of the sea, which has been organized annually since 2007 with the financial support of the Nippon Foundation of Japan. I would like to thank the Nippon Foundation for its enduring commitment to the programme.

Before concluding my remarks, allow me to offer some brief reflections on the newly adopted Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ), the BBNJ Agreement. That latest effort in multilateral treaty-making, which aspires to ensure the effective implementation of the relevant provisions of the Convention, demonstrates yet again that the Convention is fully capable of retaining its relevance in an era of changing circumstances. While I would not be able to do justice to the varied and important subject matters covered by the BBNJ Agreement, I find it fitting to make two observations concerning the role of the Tribunal within the dispute settlement system of the Agreement.

First, I would like to recall that the choice of forum provisions of the Convention, article 287, also apply to the compulsory settlement of disputes under the new Agreement. Accordingly, the Tribunal remains one of the four compulsory procedures which parties may select for the adjudication of their disputes. I am confident that the Tribunal, given its unique status as a specialized law of the sea adjudicatory body with an

extensive track record in the area of marine environment protection, is a highly attractive option for the sound and efficient resolution of BBNJ-related disputes.

Secondly, I wish to point out that the BBNJ Agreement greatly enhances the role of the Tribunal through its conferral of advisory jurisdiction. Pursuant to article 47, paragraph 7, of the Agreement, the Conference of the Parties may decide to request the Tribunal to give an advisory opinion on a legal question on the conformity with the Agreement of a proposal before the Conference of the Parties on any matter within its competence. It is quite apparent from the detailed provisions of the BBNJ Agreement that the Conference of the Parties is an important institution entrusted with fleshing out and operationalizing a global legal regime for marine biodiversity. It stands to reason that such a formidable endeavour will bring with it significant legal queries. I have no doubt that advisory opinions rendered by the Tribunal could help ensure that the Conference of the Parties conducts its manifold activities effectively while keeping within the legal limits set by the BBNJ Agreement.

That brings me to the end of my address. I conclude by expressing my appreciation to the Secretary-General, the Legal Counsel and the Director of the Division for Ocean Affairs and the Law of the Sea for the unfailing cooperation and support they have always offered the Tribunal.

**The Acting President:** I now give the floor to the observer of the International Seabed Authority.

**Mr. Lodge** (International Seabed Authority): I thank the President for the opportunity to make this statement on behalf of the International Seabed Authority.

I wish to commend the General Assembly on draft resolutions A/78/L.13 and A/78/L.15 before it today and to acknowledge the references in draft resolution A/78/L.15 to the work of the Authority. At the same time, I note that the draft resolution could probably do with some further updating as several of the references to the Authority seem to be quite out of date and even redundant. I hope that this will be considered as part of the commendable efforts to streamline the resolution in future.

I also wish to take the opportunity to commend the Assembly on the adoption by the intergovernmental conference of the new Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological

diversity of areas beyond national jurisdiction. It is encouraging that the provisions of the Agreement fully reflect the specific mandate and competences of the Authority, and I reiterate once again the willingness of the Authority to support States parties in the implementation of the new Agreement.

I also wish to welcome Rwanda as the 169th member of the Authority.

As seabed activities progress, the Authority continues to apply strictly the evolutionary approach and the precautionary approach to the development of activities in the Area, as stipulated in the 1994 Agreement relating to the Implementation of Part XI of the Convention. That Agreement was fundamental to the entry into force of the Convention and lies at the heart of the global governance regime for the ocean.

At its core, the 1994 Agreement provides for a balance among the interests of all States parties. On the one hand, it protects the interests of States parties wishing to pursue activities in the Area, by allowing activities to proceed in a precautionary manner, under the supervision of the Authority, and with a view to eventual development of the resources of the Area. On the other hand, it commits States parties to advance the regulatory regime for the Area as activities in the Area progress.

It is in pursuance of that balanced and evolutionary approach that the Council of the Authority continues to advance its work on the draft regulations for exploitation of marine minerals in the Area, including through the adoption of a road map to guide its further work during 2024 with a view to adopting the regulations during the thirtieth session of the Authority. Last month, the Council further decided to continue its work on the basis of a consolidated negotiating text, to be issued early in 2024. Those decisions are a clear expression of the commitment shared by the majority of States parties to work together decisively, constructively and in good faith to ensure that a sound regulatory framework is in place prior to the commencement of exploitation.

The adoption of the regulations is also the best guarantee that activities in the Area will be carried out in compliance with a comprehensive global framework geared towards averting serious harm to the marine environment, while upholding the rights of all States parties to conduct activities in the Area for the benefit of humankind.

We need to be aware that the agreements reached in 1994 were complex and nuanced and required difficult compromises to be made on all sides. The 1994 Agreement successfully avoided an extreme polarization of positions and allowed all States parties to work together towards a common objective within the framework of the Convention. It is a matter of great concern therefore that we see that same polarization of positions emerging once again today, as reflected in the political positions taken by some States parties that appear to run contrary to the Convention and the 1994 Agreement, as well as an increasing tendency for other international processes, and even other organizations within the United Nations system, to ignore or undermine the competences recognized to the institutions established by the Convention.

Those developments should be of the greatest concern to all States parties and to the Assembly. The Convention and its implementing agreements are the foundation of the global system of ocean governance. They have ensured peace and security in the ocean for 40 years by respecting a delicate balance between the rights and interests of all. Together, they are a package. Collectively, we cannot pick and choose which elements of the package should be privileged above others. If one part of the compromise is undermined for political convenience, we cannot expect that the rest will be respected. I therefore urge States parties to be vigilant, and I wish to express my gratitude to all States parties that remain committed to the work and mandate of the Authority and continue to support its central role in the overall governance system established by the Convention.

In conclusion, I wish to take the opportunity to remind the Assembly that 2024 will mark the thirtieth anniversary of the entry into force of the Convention and the 1994 Agreement and the establishment of the Authority. As well as being a significant milestone for the Authority, I believe this presents an ideal opportunity to showcase the many positive achievements of the past 30 years, including the many achievements in capacity development and benefit-sharing that, for reasons of space, are not reflected in draft resolution A/78/L.15.

We should, for example, celebrate the fact that we know more about the ocean today than at any time in human history. Thanks to technology and innovation, we are learning more with each exploration expedition, and we have the capacity to store, analyse and share more scientific data than ever before. We should also

celebrate the fact that the Authority has been able to establish and manage effectively the largest marine protected area beyond national jurisdiction, covering 1.9 million square kilometres of the sea floor of the central Pacific Ocean.

We are also proud to lead unique programmes to advance women's empowerment and leadership in ocean affairs, in particular for women scientists from least developed States, landlocked developing States and small island developing States. Since 1994, the Authority has also been able to offer world-class training and capacity-development opportunities to more than 1,000 individuals from developing States.

Through its marine scientific research action plan, which is the global agenda for deep-sea scientific research, the Authority is making it possible to envisage a world in which we can responsibly manage and use sustainably the riches of the deep ocean, in line with the precautionary approach. Above all, the painstaking, deliberate and dedicated work done by the members of the Authority and the generations of visionaries who came before us have made it possible to realize the dream of the founders of the Convention that the deep seabed could be managed sustainably through a single global regime, founded on principles of equity, for the benefit of all humankind.

**The Acting President:** We have heard the last speaker in the debate on these items. We shall now proceed to consider draft resolutions A/78/L.13 and A/78/L.15.

I give the floor to the representative of the Secretariat.

**Mr. Nakano** (Department for General Assembly and Conference Management): The following statement concerning the programme budget implications of draft resolution A/78/L.15 is made in the context of rule 153 of the rules of procedure of the General Assembly.

Under the terms of paragraph 106 of the draft resolution, the General Assembly would take note of the requests by the Commission for upgrades to the existing technical facilities of the Division, as contained in the annex to the letter dated 11 April 2023 from the Chair of the Commission addressed to the President of the thirty-third Meeting of States Parties, and would request the Secretary-General to provide the requested upgrades with a view to facilitating the work of the Commission. For the Office of Legal Affairs

(section 8), the implementation of the mandate would require an additional five terabytes to be added to the current digital storage space for increasingly complex and large volumes of data and technical support and the maintenance of scientific analysis and plotting software. The estimated cost would amount to \$104,500 under contractual services. Accordingly, should the General Assembly adopt draft resolution A/78/L.15, recurrent resource requirements estimated in the amount of \$104,500, as reflected above, would be included in the proposed programme budget for 2025 and submitted for the consideration of the General Assembly at its seventy-ninth session.

Since the submission of draft resolution A/78/L.13, and in addition to the sponsors listed therein, the following countries have also become sponsors of draft resolution A/78/L.13 — Albania, Belize, Chile, Czechia, the Dominican Republic, Estonia, Fiji, Georgia, Hungary, Indonesia, Italy, Lithuania, Maldives, the Marshall Islands, the Federated States of Micronesia, Monaco, Montenegro, Papua New Guinea, Poland, Slovakia, Thailand and Ukraine.

Since the submission of draft resolution A/78/L.15, and in addition to the sponsors listed therein, the following countries have also become sponsors of draft resolution A/78/L.15 — Algeria, the Bahamas, Bangladesh, Cabo Verde, Costa Rica, the Democratic Republic of the Congo, Ecuador, Equatorial Guinea, Fiji, Gabon, Georgia, Guyana, Lebanon, Malawi, Maldives, Mauritania, Mauritius, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nigeria, North Macedonia, Panama, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, Somalia, South Africa, Suriname, Togo, Tonga, Trinidad and Tobago, Uganda, Ukraine, the United Republic of Tanzania, Zambia and Zimbabwe.

**The Acting President:** We shall now proceed to consider draft resolutions A/78/L.13 and A/78/L.15.

The Assembly will now take a decision on draft resolution A/78/L.13, 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”.

May I take it that the Assembly decides to adopt draft resolution A/78/L.13?

*Draft resolution A/78/L.13 was adopted (resolution 78/68).*

**The Acting President:** We now turn to draft resolution A/78/L.15, entitled “Oceans and the law of the sea”.

A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Cabo Verde, Cambodia, Cameroon, Canada, Chile, China, Costa Rica, Côte d’Ivoire, Croatia, Cuba, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Mozambique, Myanmar, Nauru, Nepal, Netherlands (Kingdom of the), New Zealand, Nicaragua, Nigeria, North Macedonia, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Senegal, Serbia, Seychelles, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Suriname, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Tonga, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Vanuatu, Viet Nam, Zimbabwe

*Against:*

Türkiye

*Abstaining:*

Colombia, El Salvador, Syrian Arab Republic

*The draft resolution was adopted by 140 votes to 3, with 1 abstention (resolution 78/69).*

[Subsequently, the delegations of Jordan, Yemen and Zambia informed the Secretariat that they had intended to vote in favour.]

**The Acting President:** Before giving floor to those who wish to speak in explanation of vote or position after the voting, may I remind delegations that explanations are limited to 10 minutes and should be made by delegations from their seats.

**Ms. Flores Soto** (El Salvador) (*spoke in Spanish*): I have the honour to speak in explanation of vote on behalf of the Republic of Colombia and my own country, the Republic of El Salvador.

At the outset, allow me to express our heartfelt appreciation to Ms. Natalie Morris-Sharma of Singapore for her outstanding and valuable coordination work on resolution 78/69 and for maintaining a focus on streamlining the text of the resolution and thereby making it action-oriented. Despite the facilitator's efforts, we regret that delegations were unable to adopt a more streamlined, shorter and more effective text. We would also like to underscore that, although Colombia and El Salvador are not States parties to the United Nations Convention on the Law of the Sea, our delegations actively participate in all activities related to ocean affairs and the law of the sea with the same level of concern as every other nation with respect to addressing the conservation and sustainable use of the seas and the ocean.

For example, we were honoured to actively participate in the negotiations on the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction, in which the delegation of El Salvador had the honour of facilitating the discussions on capacity-building and transfer of marine technology, while the delegation of Colombia coordinated the negotiations on behalf of the core Latin American group on cross-cutting issues, capacity-building and the transfer of marine technology. Moreover, in the framework of the informal sessions that led to the adoption of resolution 78/69, our delegations proposed language, actively supported the work of the facilitator and acted as intermediaries in various discussions in an effort to bridge divergent positions. Despite that, our delegations regret having been compelled to abstain in the voting

on resolution 78/69, owing to the reference in its fifth preambular paragraph to the purportedly universal and unified character of the United Nations Convention on the Law of the Sea.

Our delegations would like to reiterate that, owing to our legitimate legal positions, our States have not ratified the Convention and do not share the recognition of the universal and unified character that the resolution purports to grant to that instrument. In a constructive spirit, we intervened throughout the informal consultations on resolution 78/69 and proposed introducing additional language that would have reaffirmed the all-encompassing nature of the oceans and the law of the sea and would have included the various stakeholders, including our countries. We therefore proposed to include a reference to the agreed language contained in paragraph 10 of the political declaration entitled "Our oceans, our future, our responsibility", which was adopted in the context of the United Nations Oceans Conference in 2022 to support the implementation of Sustainable Development Goal (SDG) 14, with a view to highlighting that the measures that States adopt to achieve SDG 14 must adapt to existing legal instruments, agreements, processes, mechanisms or entities and strengthen them rather than duplicate or undermine them.

As we indicated during the negotiations in this Hall, it was vital for our delegations to reference those existing instruments and processes, which, in addition to the United Nations Convention on the Law of the Sea, provide a legal framework for the protection and sustainable use of the oceans, the governance of which is also included in the scope of application of resolution 78/69, given that it is by virtue of the current legal framework — which, we reiterate, goes beyond the text of the Convention — that our delegations can actively participate in all activities relating to the oceans and seas. Our delegations therefore regret that it was not possible to reflect the applicability of other relevant international legal instruments and principles, which are of equal strategic importance, and that the agreed text does not reflect the breadth of the applicable legal framework's scope, thereby ignoring our valid legal positions and concerns.

It should be recalled that international law, in particular the international law of the sea, has adaptability as an attribute, whereby the legal order must adapt to the needs that come from the international environment, corresponding to the progressive and

transformative nature of the international legal order with a view to achieving the goals of common interest and ensuring widespread cooperation, especially when it comes to one of the most vital elements, namely, the oceans. The importance of the oceans' role in different aspects of the life cycle of the beings that inhabit this planet and in preserving ecosystems and natural resources becomes an essential premise. Our delegations recognize the challenge of increasingly redoubling our efforts to guarantee the conservation and sustainable management of such resources for the common well-being of all of humankind, including food security for millions of people and the protection of marine biodiversity in zones that are beyond national jurisdiction.

Lastly, our delegations will continue to constructively promote the actions reflected in resolution 78/69 — except with respect to the paragraph I mentioned previously — and our future dialogue with the delegations concerned on the matters outlined in this explanation of vote with a view to successfully harmonizing our positions in a spirit of constructiveness and shared solidarity.

**Mr. Pérez Ayestarán** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The Bolivarian Republic of Venezuela is not a State party to the United Nations Convention on the Law of the Sea (UNCLOS), 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 or the recently concluded Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction. The reasons that prevented my country from becoming party to those instruments persist and have indeed led it to express its reservations, such as on the outcome document of the United Nations Conference on Sustainable Development and on target 14.c of the Sustainable Development Goals. We would therefore like to reiterate once again that the norms stemming from those instruments are not applicable in conventional law or as international custom, except those that the Venezuelan State may have recognized or will recognize in the future by applying them to its national legislation.

With regard to resolution 78/68, my country would like to point out that, on 18 November 2014, Venezuela

approved decree No. 1408, including the reform of the fisheries and aquaculture law, which establishes the principles and standards for the application of responsible fishing and aquaculture practices in favour of the management and sustainable use of hydrobiological resources, respecting the ecosystem, biological diversity and the genetic heritage of the nation. Among other provisions, the decree furthers the promotion of the comprehensive development of the fishing sector, aquaculture and related activities and the protection of artisanal fishing settlements and communities with a view to improving the quality of life of small-scale fishers and, through its prohibition of bottom fishing, safeguarding biodiversity and ecological processes that ensure a healthy and balanced aquatic environment for present and future generations.

In that regard, the Bolivarian Republic of Venezuela reiterates its commitment to sustainable fishing. An example of that is the implementation of the principles of the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations and chapter 17 of Agenda 21, which was adopted by the United Nations Conference on Environment and Development in 1992. We also participate in mechanisms such as the Western Central Atlantic Fishery Commission and the capacity-building programme of the International Hydrographic Organization, which assists countries that request such assistance in matters concerning the wider use of the seas and oceans in a sustainable manner by providing adequate hydrographic services and nautical mapping.

Accordingly, and in the spirit of maintaining consensus on an issue to which my country attaches particular importance, the Venezuelan delegation decided to join others in supporting the adoption without a vote of resolution 78/68. However, the Bolivarian Republic of Venezuela reiterates its express reservations with regard to its content.

With regard to resolution 78/69, recently adopted by a recorded vote, in expressing its reservations about some of its provisions, my country reiterates that this issue has a place in the public policies of the Venezuelan State, which observes its international commitments based on international law. As a result, Venezuela will continue to advocate for its comprehensive development based on equity, reflecting criteria and principles that relate to the sustainable development of the marine environment and the conservation of its resources for the enjoyment of current and future generations.

However, our delegation is of the view that UNCLOS lacks a universal character and reiterates furthermore that it is not the only legal framework governing activities on the oceans and seas because there are other international instruments that were ratified by my country and that together with UNCLOS form part of the legal framework of the so-called law of the sea, as do, for example, the 1958 Geneva Conventions.

Lastly, we take this opportunity to reiterate our call for updating the terms of UNCLOS because it still contains the elements that, since they were adopted more than 40 years ago, have prevented my country from signing the Convention and fully supporting the draft resolutions that are submitted annually under the agenda item that we are currently considering.

**Mr. Mainero** (Argentina) (*spoke in Spanish*): Argentina joined the consensus on resolution 78/68, on sustainable fishing. However, we would once again like to underscore that none of the recommendations or paragraphs contained in it can be interpreted in the sense that the provisions contained in the 1995 United Nations Fish Stocks Agreement and related instruments could be considered as obligatory for the States that have not expressly declared their consent to be bound by that agreement. The resolution contains a number of paragraphs relating to the implementation of recommendations adopted during the review conferences on the agreement. Argentina reiterates that those recommendations cannot be considered as enforceable, even in a recommendatory manner, for States that are not parties to the agreement. We also want to reiterate that current international law does not enable regional fisheries management or regulatory organizations or their member States to adopt any type of measure with respect to vessels whose flag States are not members of such organizations or agreements or which have not explicitly consented for such measures to be applicable to their flagged vessels. There is nothing in the General Assembly's resolutions, including the resolution just adopted, that could be interpreted in a manner contrary to that conclusion.

**Mr. Çetin** (Türkiye): Türkiye joined the consensus on resolution 78/68, on sustainable fisheries, since Türkiye is fully committed to the conservation, management and sustainable use of marine living resources and attaches great importance to regional cooperation to that end. However, Türkiye disassociates itself from the references made in the resolution to the United Nations Convention on the Law of the Sea (UNCLOS) and

the United Nations Fish Stocks Agreement, to which it is not party. Those references should therefore not be interpreted as a change in the legal position of my country with regard to those instruments.

Türkiye requested a vote on, and voted against, resolution 78/69, on oceans and the law of the sea. As we have expressed before in previous iterations, Türkiye agrees in principle with the general content of the resolution. We particularly appreciate that it recognizes the importance of the conservation and sustainable use of the oceans, seas and their resources in achieving the goals contained in the 2030 Agenda for Sustainable Development. However, owing to the unchanged nature of the references in the resolution to the United Nations Convention on the Law of the Sea, Türkiye felt compelled to call once again for a vote on the resolution. Türkiye is not a party to UNCLOS and has consistently stated that it does not agree with the view that the Convention has a universal and unified character. We also maintain that UNCLOS is not the only legal framework that regulates all activities in the oceans and seas. Those concerns and objections have also been raised by a number of other States over the years.

Türkiye remains ready and willing to continue working with Member States towards the goal of ensuring that the resolution on oceans and the law of the sea is adopted without a vote in the future. However, until we can find an appropriate solution that will duly address the concerns of several States with regard to the resolution, the UNCLOS language concerned cannot be referred to as agreed language and cannot set a precedent for other United Nations resolutions.

We would also like to take this opportunity to note that the reasons that have prevented Türkiye from being a party to UNCLOS remain valid. Türkiye supports international efforts to establish a regime of the seas that is based on the principle of equity and is acceptable to all States. However, in our opinion, the Convention does not provide sufficient safeguards for specific geographical situations, and as a consequence does not take into consideration the conflicting interests and sensitivities that stem from special circumstances. Furthermore, the Convention does not allow States to make reservations with regard to its articles. Therefore, although we agree with the Convention in its general intent and with most of its provisions, we are unable to become a party to it owing to those prominent shortcomings.

In that regard, Türkiye also wishes to draw attention to the risks posed by erroneous interpretations of international law and the invocation of UNCLOS to justify maximalist claims, especially with regard to the delimitation of maritime jurisdiction areas. Even though Türkiye is not a party to the Convention, we support the resolution of maritime disputes on the basis of equity and in accordance with international law, as applicable. We hope that all relevant actors will adopt a similar approach in order to promote regional and international peace and stability.

Finally, we would like to thank the coordinator of the informal consultations, Ms. Natalie Morris-Sharma, and the Division of Ocean Affairs and the Law of the Sea for their efforts in that process.

**Mr. Khaddour** (Syrian Arab Republic) (*spoke in Arabic*): My country's delegation joined the consensus on resolution 78/68 and, as a non-State party to the United Nations Convention on the Law of the Sea (UNCLOS), we disassociate ourselves from any reference suggesting that the Convention represents the sole legal framework for regulating activities in the seas and oceans.

With regard to resolution 78/69, my delegation chose to join the position of a number of non-States parties to UNCLOS by abstaining in the voting, for the same reasons mentioned by our colleagues from Venezuela and El Salvador. I do not want to repeat those reasons, but we object in particular to the references in the resolution, in particular those contained in the fifth preambular paragraph and paragraph 1, that emphasize the universal and unified character of UNCLOS, the wording of which does not take into account the position of some 30 countries that are not party to UNCLOS.

We do not believe the Convention to be of a global and unified character or to be the only framework for all maritime activities, which would be to disregard the fact that some 30 countries are not party to UNCLOS. We also believe that if there had been a commitment to reaching consensus, such wording, which imposes something unacceptable on countries that are not party to the Convention, could have been avoided.

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

The exercise of the right of reply has been requested. May I remind members that statements in the exercise of the right of reply are limited to 10 minutes for the

first intervention and five minutes for the second intervention and should be made by delegations from their seats.

**Ms. Arumpac-Marte** (Philippines): I wish to refer to the remarks made by a delegation in relation to the South China Sea arbitration.

In that regard, I have the honour to recall the statement of the Philippines Secretary for Foreign Affairs, Enrique Austria Manalo, on the occasion of the seventh anniversary, on 12 July, of the award on the South China Sea arbitration. The 2016 South China Sea Arbitration Award is an affirmation of the United Nations Convention on the Law of the Sea (UNCLOS) and its dispute settlement mechanisms. The award definitively settled the status of historic rights and maritime entitlements in the South China Sea and declared claims that exceed entitlements beyond the geographic and substantive limits set by UNCLOS to be without legal effect. That is now part of international law. In the decision to file a case for arbitration, the Philippines opted to take the path of principle, the rule of law and the peaceful settlement of disputes. The tribunal's decision affirmed the correctness of that course of action. The award has since facilitated the plotting of new paths and trajectories, reflecting the rich maritime heritage of our country and our people and the conviction that our sovereignty, sovereign rights and jurisdiction over our maritime zones are indisputable.

We welcome the growing number of partners that have expressed support for the award. We are honoured that it stands as a beacon whose guiding light serves all nations. It is a settled landmark and a definitive contribution to international law. It is ours as much as it is the world's. Just as lighthouses aid vessels in navigating the seas, the award will continue to illuminate the path for all who strive towards not just the peaceful resolution of disputes but also the maintenance of a rules-based international order. We will continue to translate the positive outcomes of the award into positive gains for our people in order to secure our legitimate interests in our maritime domain and to promote peace, security and prosperity in our region.

**Mr. Aref** (Islamic Republic of Iran): In the exercise of my delegation's right of reply with regard to the use of a fake name for the Persian Gulf in a statement, I would like to stress that "Persian Gulf" is the only true geographical designation for the body of water lying between Iran and the Arabian peninsula, which



has been used since the dawn of history and endorsed by the United Nations system, and must therefore be respected by all.

**Mr. Li Linlin** (China) (*spoke in Chinese*): With regard to the statements made by the representative of the Philippines and a number of other countries concerning the issue of the South China Sea, China is compelled to respond. China's territorial sovereignty and maritime rights and interests in the South China Sea are long established, have been upheld by successive Chinese Governments and are in line with international law, including the Charter of the United Nations and the United Nations Convention on the Law of the Sea (UNCLOS). As a State party to UNCLOS, China is entitled to the various rights and interests granted under the Convention. Nonetheless, the Convention does not cover the law of the sea exhaustively. As stated in its eighth preambular paragraph, matters not regulated by the Convention continue to be governed by the rules and principles of general international law. The South China Sea arbitration is illegal and null and void. It essentially amounts to a political provocation under the cloak of law aimed at denying China's territorial sovereignty, maritime rights and interests in the South China Sea.

China's refusal to accept or recognize the award is precisely aimed at safeguarding the authority and integrity of international law, including UNCLOS. The South China Sea is now one of the safest and freest maritime areas in the world in terms of navigation, and no merchant vessel has ever encountered any interference or obstruction while navigating it. As such, there are no grounds for the concerns of certain countries. Moreover, we reject the practice of navigational hegemony under the pretext of the freedom of navigation.

In the light of the statement made by the representative of Japan, I would like to emphasize once again that the oceans are the common heritage of all humankind. There have been serious concerns for a long time about the impacts of the discharge of nuclear-contaminated water from the Fukushima Daiichi nuclear power plant on the marine environment, food safety and human health. The legitimacy, legality and

safety of Japan's practices have been widely questioned. Japan should dispose of the nuclear-contaminated water in a responsible manner in order to avoid causing unpredictable damage and harm to the global marine environment and the health and well-being of people throughout the world.

**Mr. Sorimachi** (Japan): The Chinese delegation has yet again made a groundless statement and allegation concerning Japan. We have therefore been forced to exercise the right of reply.

I do not want to repeat Japan's position, which is crystal clear. But I want to point out just one fact, which is that the water being discharged is further diluted by the advanced liquid processing system, which is sufficiently purified until the concentration of radioactive materials other than tritium is below the regulatory standard. As for tritium, which is found in water discharged from nuclear facilities around the world in normal operations, the concentration level is one seventh of the World Health Organization drinking water standard after dilution. Furthermore, the amount of tritium to be discharged in annual terms ranges from one fourth to one tenth of the amount of tritium discharged into the sea from any one of China's nuclear power plants. That matter should not be subject to political discussions. We cannot accept baseless allegations that lack scientific evidence. Japan remains fully committed to upholding transparency by providing information based on scientific evidence.

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (b) of agenda item 75?

*It was so decided.*

**The Acting President:** The General Assembly has thus concluded this stage of its consideration of agenda item 75 and its sub-items (a) and (c). On behalf of the Assembly, I would like to warmly thank the interpreters for staying overtime, thereby enabling us to conclude our work.

*The meeting rose at 6.25 p.m.*