



# AUSTRALIA



AUSTRALIAN MISSION TO THE UNITED NATIONS

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**UNITED NATIONS GENERAL ASSEMBLY  
8 December 2020**

## **Oceans and the law of the sea**

**Statement by H.E. Mitch Fifield, Permanent Representative of  
Australia to the United Nations**

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Mr President,

Australia is clear about its priorities internationally and within the Indo-Pacific region.

We are committed to promoting freedom of trade and safeguarding freedom of navigation.

We want the rights of all states to be respected.

We encourage the conservation and sustainable use of marine resources, including fisheries.

We place a strong emphasis on preserving ocean and marine ecosystem health, given the importance of the ocean for economic security and for livelihoods, in particular in our region.

And we advocate strongly for the peaceful resolution of disputes, in accordance with international law.

The UN Convention on the Law of the Sea, or UNCLOS, sets out clear rules consistent with these objectives.

Mr President,

As we reaffirm each year in the Oceans and Law of the Sea resolution, ‘the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out’.

UNCLOS is truly the ‘constitution for the seas and oceans’.

It provides a comprehensive legal order governing states’ interaction and cooperation in the oceans – from navigation to conservation, to how states’ maritime entitlements may be established.

UNCLOS provides a foundation for international peace, security and stability. It supports all States to exercise their rights and freedoms, and comply with their obligations, in the oceans and seas.

Mr President,

This is particularly vital in the South China Sea.

As reiterated in our Note to the Commission on the Limits of the Continental Shelf of 23 July, Australia does not take sides on competing territorial claims in the South China Sea. But we do not accept maritime claims that are inconsistent with UNCLOS.

This Note reinforced our longstanding position that the 2016 South China Sea arbitral award is final and binding on the parties and should be respected.

We remain concerned by destabilising actions in the South China Sea, including the militarisation of disputed features, actions to disrupt other countries’ resource exploitation activities, and the dangerous or coercive use of coast guard vessels and ‘maritime militias’.

We urge all claimants to take meaningful steps to ease tensions, build trust, and cease actions that could undermine stability or lead to escalation.

Mr President,

We commend the ongoing efforts of the International Seabed Authority to progress draft regulations for deep-sea mining exploitation of the Area, and wish to underscore the importance of robust regulations to ensure the protection of the marine environment.

As a member of the Pacific Island family, Australia is committed to a secure, prosperous and sustainable Blue Pacific.

UNCLOS compels countries to cooperate to conserve the living resources of the oceans and to protect and preserve the marine environment.

Australia strongly supports the development of an implementing agreement under UNCLOS to address the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.

This new agreement will help to establish new high seas marine protected areas. We call on member states to continue to engage intersessionally, to ensure that we can deliver both an ambitious and a comprehensive agreement at the fourth and final conference.

We also commend the continued close attention that this Assembly continues to give to the issue of sea-level rise.

We welcome the International Law Commission's consideration of this issue, the impacts of which are of vital importance for all States, including low lying States in our Pacific community.

The ongoing work of the Commission has already, through the first Issues Paper, recognised the significant development, economic, and environmental challenges for affected States, and contributed to identifying the important and urgent questions of international law that require our close consideration.

We urge all states to engage with the Commission as it undertakes this work, and to recognise that a key purpose of UNCLOS is to provide a stable, predictable and durable maritime order in which the interests of all states are balanced.

Thank you.