



STATEMENT BY

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CHECK AGAINST DELIVERY

Today is a very significant day in the life of the United Nations Convention on the Law of the Sea. It is 25 years to the day since the Convention was opened for signature at Montego Bay in Jamaica. I recall that occasion vividly as I signed the Convention on behalf of my country. The opening for signature was itself a significant occasion but more importantly on that day 119 countries came forward to sign the Convention. That was a remarkable achievement. Moreover, it represented the broad support the Convention had already generated among the international community.

Since then, in order to promote universal participation, we have resolved the outstanding issues on Part XI through the 1994 implementation agreement. We have also further elaborated the Convention through the 1995 Fish Stocks Agreement. The result is that today there are 155 parties to the Convention. I congratulate all members of the General Assembly on this impressive achievement, which brings to fruition the hopes of all those who spent so many years negotiating a Convention regime that would be acceptable to, and thus receive the support of, all States. Slowly, but inexorably, the goal of universal acceptance has been achieved, as is evidenced in State practice. This is indeed cause for celebration.

Mr. President,

I would like to refer to the two resolutions before the General Assembly and express my appreciation to member States for their positive references to the work of the International Seabed Authority. I also express appreciation for the very comprehensive report of the Secretary-General which, as in the case of the draft resolutions, I am sure I will find time to read in due course.

Mr. President,

In the 1970s when we negotiated Part XI of the Convention we were led to believe that seabed mining was imminent. The initial predictions on which much of the Part XI regime was based were proved unduly optimistic in the light of changing political and economic circumstances. The result was prolonged delay as States and commercial entities adjusted their priorities to meet the demands of a changing global outlook.

The world continues to evolve. At this moment, the day when commercial mining of seabed resources becomes a reality is closer than at any time in the past 25 years.

The two main drivers of commercial activity have always been economics and technology. Human ingenuity can rapidly solve technological problems if economic conditions are such as to encourage investment in technology. Over the past few years there has been a surge in demand for most of the metals that would be derived from seabed mining, leading to a rapid and dramatic increase in the price of metals on world markets. Metal market prices rose drastically in 2006 and most broke historical records. Much of this increase in demand and price was driven by surging economic growth in developing new economies such as China, India and Brazil. The result is that current economic conditions for seabed mining are promising and becoming increasingly more favourable. One clear indicator of this is that the private sector is taking the lead in developing marine mineral resources in the Western Pacific and has announced a target date of 2010 for the commencement of commercial mining activity.

The long delay in commercial seabed mining since 1982 has not meant that States Parties to the Convention have been idle. In fact, the delay has benefited the international community in at least three ways.

First, it has enabled States to work together to establish the International Seabed Authority on a solid footing, based on economy, efficiency and sound free market principles.

Second, it has allowed the scientists to gain an immeasurably greater understanding of the deep ocean environment through research and intensive study.

Third, it has provided sufficient time to further elaborate the legal regime for deep seabed mining through the regulations adopted by the Authority. Not only is this regime based on sound economic principles, it is also based on rigorous environmental standards, including the application of the precautionary approach.

Indeed, it is fair to say that there are few other activities in the oceans that have been studied and regulated to such a detailed extent before the activity has even taken place. Most examples of environmental regulation occur as a response to environmental degradation, often as a result of over-utilization of resources and incidental destruction of habitats. In the case of the Authority, most of the efforts over the past 10 years have been spent in encouraging the study of the deep sea environment and in working together with scientists from around the world to analyze and disseminate the results of such research for the benefit of all States. A very good example of this is the recently concluded Kaplan project, which is the first and most successful attempt to analyze the species composition and rates of gene flow of living organisms across the abyssal plains of the Clarion-Clipperton zone in the Central Pacific Ocean. The final report of this four-year project, which brought together scientists from the United Kingdom, Japan, France and the United States, was published in May 2007. Based on the success of this project, the Authority is now in discussion with CenSeam (that is, the Global Census of Marine Life on Seamounts) to conduct a similar study of the genetic make-up of the biota of seamounts.

One of the key outcomes of the Kaplan project is a set of recommendations as to scientific criteria for the establishment of marine protected areas, which we refer to more accurately as preservation reference zones. The purpose of these would be to safeguard biodiversity in the Clarion-Clipperton zone in anticipation of nodule mining. As far as seabed mining is concerned, the need to set aside areas to preserve their unique flora and fauna was recognized by the drafters of the Convention itself. Under article 162(2)(x) of the Convention, the Council of the Authority has the power to disapprove areas for exploitation where substantial evidence indicates the risk of serious harm to the marine environment. Similarly, under the regulations governing exploration for polymetallic nodules, contractors are required to designate so-called preservation reference zones where no mining shall occur in order to ensure representative and stable biota of the seabed. Taking into account the outcomes of the Kaplan project, the Authority intends to work with scientists, contractors and the Legal and Technical Commission to develop a comprehensive proposal to establish such reference zones in the Clarion-Clipperton zone.

As an aside, I would like to say that, in recent years, there has been much discussion of the use of marine protected areas as a tool for better environmental management on the

high seas. For example, the WSSD set a target of 2012 for the establishment of scientifically-based, representative networks of marine protected areas as a tool for maintaining the biodiversity of important and vulnerable marine and coastal areas, both within and beyond national jurisdiction. However, it has to be remembered that marine protected areas are simply one out of a number of tools; not an end in themselves. It would be too simplistic to assume, for instance, that the same formula would apply to seabed activities as to fisheries. The goal is better conservation and sustainable use of all marine resources. Experience has shown that this can best be achieved through a sectoral approach, for which the Convention itself provides a sound basis.

The increasing likelihood that commercial mining will take place in the foreseeable future makes it all the more important that the Authority completes its work on the elaboration of regulations for exploration for polymetallic sulphides and cobalt-rich crusts as soon as possible. Progress to date on these regulations has been slow. Although it is easy to criticize from the outside, it is my view that, far from indicating a lack of will or a lack of determination, the length of time that it has taken to develop the regulatory framework for these resources in fact indicates the extreme seriousness with which States have approached the task.

Our knowledge of these resources and the environment in which they occur continues to improve. The Authority has done its best to promote the sharing and dissemination of the available scientific information through workshops and seminars which have also been attended by representatives of member States. The draft regulations have continued to evolve and have only been improved as the depth of our knowledge has increased. This year in particular, impressive progress was made on the most difficult environmental issues with the participation of a very wide representation of member States. The progress that was achieved was due, in no small measure, to the outstanding Presidency of the Council by Ambassador Wolfe of Jamaica. The negotiations are now at a very delicate stage. It will be necessary to focus on the most difficult and complex issues, including the size of areas to be allocated for exploration to contractors and the fees to be paid for contract areas. I encourage as many members of the Authority as possible to attend the session in Kingston in May 2008 and to participate in shaping these most important regulations.

Mr. President,

I wish to recall that, in 2006, the Assembly of the Authority made the momentous decision to establish an endowment fund. The purposes of the Fund are to promote and encourage the conduct of marine scientific research for the benefit of mankind as a whole. This is to be achieved in two ways. First, by supporting the participation of qualified scientists and technical personnel from developing countries in marine scientific research programmes and, second, by providing them with opportunities to participate in international technical and scientific cooperation, including training, technical assistance and scientific cooperation programmes. In 2007, the Assembly adopted the detailed rules, procedures and guidelines necessary for the operation of the Fund. The significance of these decisions cannot be overstated. If the concept of the common heritage of mankind is to mean anything, it is essential that not only the benefits of the resources of the deep seabed but also scientific knowledge be shared amongst all States.

I encourage member States, international organizations, academic, scientific and technical institutions, philanthropic organizations, corporations and private persons to contribute to the Fund. The Secretariat is already beginning to establish a network of cooperating institutions that may be interested in offering places on courses or research opportunities and this work will be ongoing over the next several months. I also encourage applications from and on behalf of developing countries wishing to benefit from the opportunities offered by the Fund, for which we shall shortly be making an announcement.

Finally, Mr. President, I wish to remind all members of the Authority that it is their duty to attend and participate in the work of the Authority. In the past there was considerable concern expressed in the Assembly regarding the timing of the meetings of the Authority. In response to those concerns, and with cooperation of the Department of Conference Services, this year we have brought forward the annual meeting of the Authority in the expectation that there will be better attendance to overcome the recurring problem of lack of a quorum for the meetings of the Assembly of the Authority. I therefore urge all member States to do their part in ensuring that they are represented at the meetings of the Authority in Kingston, especially as we have a number of important decisions to take at the next session.
