



**STATEMENT BY**

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INTERNATIONAL SEABED AUTHORITY**

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Mr. President,

Allow me first of all to congratulate you on your election to the Presidency of the sixty-fifth session of the General Assembly. I have every confidence in your ability to guide the Assembly to a successful conclusion.

Mr. President, distinguished delegates, ladies and gentlemen,

I wish 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 always, provides detailed background material for our consideration.

I would like to take this opportunity to comment on operative paragraph 42 of draft resolution A/65/L.20, in which the Assembly welcomes the adoption at the sixteenth session of the Authority of the regulations for prospecting and exploration for polymetallic sulphides. This was indeed an important achievement for the Authority. It was made possible by the positive commitment shown by member States to concluding the negotiations on the draft regulations and I wish to thank all members of the Authority for their cooperation.

I mentioned last year that one of the reasons why it was so important to establish a regulatory framework for sulphide exploration was because of the possibility that one or more States would wish to apply for exploration licences in the near future. I am pleased to inform the Assembly that, since the adoption of the regulations, two States have submitted applications for exploration licences. Information regarding one of these applications has already been circulated to all member States; information on the other, which was submitted only recently, will be circulated in due course. Both applications will be considered in accordance with the procedures laid down in the new regulations at the next session of the Authority in 2011. I wish to note, however, that both applicants have expressed in their applications the intention to take up the option provided for in the regulations of offering equity participation in a joint-venture operation with the Enterprise once commercial exploitation begins.

Mr. President,

The adoption of the new regulations and the submission of these new applications is an extremely important development in the life of the Authority and in the development of the regime for the Area as a whole. Throughout the process of negotiating the regime, from the work of the Sea-bed Committee in the 1960s, to the Preparatory Commission in the 1990s, the focus was on only one seabed mineral resource – polymetallic nodules. The huge technological and financial challenges involved in recovering nodules from great depths have led to long delays in making these resources capable of exploitation on a commercial scale. This in turn led many to question whether seabed mining will ever take place at all. The fact is, however, that not

only are active research and development programmes for nodule mining continuing, but also geologists and engineers have been actively seeking out new resources and new areas of interest as potential sources of seabed minerals.

One of the key drivers of this activity is the fact that a robust legal and jurisdictional framework exists for the regulation of activities in the Area. The new set of regulations for exploration for polymetallic sulphides is a further elaboration of that framework and sends an important signal to the mining community that the Authority is able to carry out its functions under the Convention effectively and efficiently and in such a way as to provide legal certainty and security of tenure for those who would wish to play a part in developing the common heritage of mankind.

The next step for the Authority, if seabed mining is to become a commercial reality, is to begin progressively to examine the issues relating to the nature of the regulatory framework that would apply beyond the exploration phase. Many of these issues were left pending as a result of the 1994 Implementation Agreement. How some of the critical legal and financial questions are addressed will be an important factor in eventually determining whether investment in the seabed mining industry will take place or not.

Mr. President,

Another milestone for the Authority in 2010, also referred to in paragraph 43 of draft resolution A/65/L.20, was the decision by the Council to request an advisory opinion from the Seabed Disputes Chamber.

This was a highly significant development for the Convention regime as a whole. The making of the request, and the manner in which it was dealt with by the Council and the Chamber, demonstrates that the system set out in the Convention works. The fact that the Authority and its political organs are willing and able to respond to difficulties in the interpretation of provisions of the Convention in a responsible and constructive manner should give great comfort to individual States parties as well as to the future seabed mining industry. The Chamber itself acted expeditiously in dealing with the request and I wish to place on record my appreciation to Judge Treves, the President of the Seabed Disputes Chamber and his colleagues, for their diligent and judicious consideration of the request.

The making of the request shows that whilst there are provisions in the Convention which are difficult to understand and apply in the light of changing circumstances, there is a strong willingness on the part of States parties and others to do what is necessary to make the provisions work in practice. A total of 15 States parties and four intergovernmental organisations made extensive written and or oral submissions to the Chamber. The strong interest and commitment of States parties to ensuring the integrity of the legal regime contained in the Convention in this manner is one of the most remarkable features of the Convention compared to many other global

rule-making treaties and again should provide an important reassurance not only to the future seabed mining industry but to the many other global ocean-related industries.

Mr. President,

Draft resolution A/65/L.20 places particular emphasis on the question of measures for the protection and preservation of the marine environment, including marine biological diversity, in areas beyond national jurisdiction. This is a matter that has always been a particular concern of the Authority, which is under a legal duty to elaborate rules, regulations and procedures to ensure the effective protection of the marine environment from the potential harmful effects of seabed mining. In this regard, I take particular note of operative paragraph 153(c) of the draft resolution, which recalls the need to be guided not only by the Convention and its Implementing Agreements, but also by other commitments made by States, such as those contained in the Convention on Biological Diversity and the declarations of the World Summit for Sustainable Development. This is an important reminder that, whilst the Authority has a very specific and exclusive mandate under Part XI of the Convention and the 1994 Agreement, it cannot act in isolation from other parts of the legal regime concerned with marine areas beyond national jurisdiction. Similarly, those bodies concerned with the implementation of the legal regime for areas beyond national jurisdiction cannot avoid having regard to the measures developed by the Authority with respect to the Area. During the past year, the Authority has cooperated extensively with other bodies and organisations concerned with marine areas beyond national jurisdiction, including the Convention on Biological Diversity and the Regional Seas Programmes, and I look forward to continuing and enhancing this cooperation in future.

One illustration of the way in which the Authority is beginning to implement the global commitments that have been made by member States for the protection and preservation of marine biodiversity is the current effort to formulate a regional environmental management plan for the Clarion Clipperton Zone in the Central Pacific Ocean. This is a vast area that extends over 4,000 kilometres from east to west and 1,500 kilometers from north to south and is considered the prime area of interest for nodule mining.

Over the past four years, the Authority has been developing a geological model of the Clarion Clipperton Zone. This project, which was completed in 2010, is the most comprehensive and detailed scientific study of the geology and environment of the seafloor to have been carried out. It significantly enhances our understanding of the way in which mineral deposits form on the seafloor and how geochemical and geophysical conditions affect the marine environment at great depth.

The next step is to formulate a regional environmental management plan for the area. Last month, the Authority convened an international workshop, including representatives of member States, contractors with the Authority and other scientists and experts, to advise on such a plan. The workshop identified a number of critical issues that need to be addressed in order to achieve the objective of maintaining

biodiversity, ecosystem structure, and ecosystem function in this region. These include strategies for the establishment of comprehensive environmental databases, standardized taxonomies and calibration of different datasets in order to enable the Authority to issue reliable environmental quality status reports and impact assessments prior to commercial mining.

Mr. President,

Concern for the marine environment is fully reflected in the Authority's regulations, which require exploration contractors to collect environmental data and share them with the Authority, to carry out environmental studies of the conditions at the ocean floor and progressively to conduct assessments of the impacts of their activities on the marine environment. However, one of the major difficulties for the Authority, and for any other institution dealing with the problems of managing biodiversity in the deep ocean, is the lack of adequate data on which to base decisions. In this regard, the major contribution of the Authority has been its work in collecting and standardizing available data relating to the deep sea environment. This work has been carried out in collaboration not only with contractors, but also with leading scientists and relevant international research programmes, including the Census of Marine Life. As a global institution, the Authority is well placed to promote standardization in data collection methods and taxonomy. It is equally well placed to act as a repository for these data, and, in accordance with its mandate under the Convention, to promote and encourage research programmes using these data and to disseminate the results for the benefit of all States.

In this regard, the Authority has recently begun to develop a new initiative in cooperation with the Government of Brazil. The objective of this project is to work with Brazil and other countries bordering the Equatorial and South Atlantic Ocean to collect, analyse and integrate geological information on seabed mineral resources in this area and to make it broadly available to member States and others interested in these resources.

Mr. President,

I wish to briefly mention the Authority's Endowment Fund for Marine Scientific Research.

In the two years of its operation, the Fund has already provided training and research opportunities for some 20 individuals from developing countries. One of the remarkable aspects of the Fund has been the strong interest expressed by leading scientific and technical institutions around the world in collaborating with the Authority to provide training opportunities of this nature. This clearly indicates to me that there is a great willingness on the part of the scientific community worldwide to share its knowledge and experience for the benefit of the developing world. At this moment, the Fund is supporting three research fellowships at the National Oceanographic Institute of India and we have been pleased to provide support to the Rhodes Academy for Oceans

Law and Policy for the past two years. However, there is much more that can be done and I wish to encourage member States to make further financial and other contributions in order to further enhance the use and effectiveness of this Fund, including through co-funding initiatives.

Finally, Mr. President, I wish to say that I look forward to the widest possible participation by all members in the seventeenth session of the Authority from 11 to 22 July 2011. This will be an important session, with a crowded and substantial agenda, including consideration of the outcome of the advisory opinion of the Seabed Disputes Chamber as well as consideration of the two new applications for exploration licences. If the decisions of the Assembly and Council are to command support in the long-term, it is the duty of all members to attend and participate in the work of the Authority.

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