

HLPF SIDE EVENT

PANEL ON THE IMPORTANCE OF THE RULE OF LAW TO ENSURE THE SUSTAINABLE MANAGEMENT OF THE AREA AND ITS RESOURCES FOR THE BENEFIT OF HUMANKIND

Remarks by Ambassador Burhan Gafoor

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Excellencies, distinguished delegates,

I would like to begin by thanking the Secretary-General of the International Seabed Authority, my friend Michael Lodge, for inviting me to speak on this panel.

2 Small States like Singapore are strong supporters of instruments and institutions that underpin the international rule of law and facilitate the achievement of the SDGs. These include UNCLOS and the 1994 Implementation Agreement, and the International Seabed Authority. I wish to highlight three points on how the regime for the Area has strengthened the legal order for the oceans and ensured the sustainable management and use of the Area.

3 First, Part XI of UNCLOS and the 1994 Implementation Agreement have prevented a “gold rush” or “free for all” for the mineral resources of the Area. The orderly manner in which resource-related activities in the Area are currently being conducted is a testament to the strength of the rule of law in the oceans. Ambassador Tommy Koh of Singapore, who served as President of the Third UN Conference on the Law of the Sea, summed up the general view of delegations at the final session of the Conference in December 1982 as being that—and I quote—“[a]ny attempt by any State to mine the resources of the deep seabed outside [UNCLOS] will earn the universal condemnation of the international community and will incur grave political and legal consequences”. This observation continues to hold true today.

4 Second, Part XI of UNCLOS and the 1994 Implementation Agreement, and the rules, regulations and procedures developed by the ISA, have created a stable regulatory environment that has proved conducive for resource-related activities in the Area. Prospecting and exploratory activities are currently being undertaken. Countries involved include developing countries. There are 12 developing countries who are sponsoring States, of which six are Small Island Developing States. The ISA Council is currently developing the final piece of

the Mining Code—the regulations for exploitation of mineral resources in the Area. The completion of these regulations will provide the regulatory certainty required by contractors as they move towards exploitation, and will further promote the development of the deep seabed mining industry.

5 Third, the regulatory framework for the Area also contains comprehensive rules, regulations and procedures for the protection of the environment that must be complied with. The exploitation regulations that are being developed will, like the regulations for prospecting and exploration, also contain such rules, regulations and procedures. Our fellow Small Island Developing State, Fiji, will be the facilitator for an informal working group that will discuss aspects of the draft regulations that pertain to protection and preservation of the marine environment. Fiji has Singapore's full support as we try to elaborate regulations that balance the need for commercial viability of mining activities with the need to monitor, address and mitigate environmental impacts that are a consequence of mining activities.

6 Before I conclude my remarks, I wish to acknowledge the critical role that the ISA plays in support of the rule of law and sustainable management of the Area, which has contributed to the realising of the Area and its resources being the common heritage of mankind. I have referred already to the work that the ISA has done in developing the regulatory regime for the Area. Other important activities of the ISA include its initiatives to advance scientific, environmental and technological knowledge, its efforts to promote research on various aspects of seabed exploration and the deep seabed environment, and the various programmes that it implements and administers to build the capacity of developing States.

7 Next year we celebrate the 40th anniversary of the conclusion of UNCLOS, the constitution for the oceans. One of the great achievements of UNCLOS would be its creation of the ISA, which has faithfully discharged its mandate since its establishment in 1994.

8 Thank you very much for your attention.