

STATEMENT BY INDIA

On Item 11 (Dated 10.8.2017)

APPLICATION FOR EXTENSION OF THE CONTRACT FOR EXPLORATION FOR POLYMETALLIC NODULES BETWEEN THE GOVERNMENT OF INDIA AND THE INTERNATIONAL SEABED AUTHORITY

Thank you, Mr. President for giving our delegation to speak on the floor.

As we are taking floor for the first time, we take this opportunity to congratulate you for your election to the President of the Council and your bureau for their support. My delegation offers our unequivocal support in smooth conduct of the proceedings during this 23rd Session of the International Seabed Authority.

We take this opportunity and my delegation congratulates the Republic of Poland for the approval of their plan of work for exploration for Polymetallic Sulphides. We welcome the State to the elite group of contractors working for the polymetallic sulphides exploration.

India has become the Pioneer investor in 1987 and on August 17, 1987, it was thirty years back our first application for the polymetallic nodules in Indian Ocean was approved by the then PrepCom for ISBA and ITLOS. India was the first country ever in the history to get allocation of a Pioneer Area under the "Common Heritage of Mankind" in the Area; while other pioneer investors had overlapping claims in CCZ.

Further, India signed the exploration contract in 2002 after establishment of the International Seabed Authority. This year our contract has completed 15 years and we therefore applied for extension of our contract for exploration for polymetallic nodules.

My delegation commends the excellent work done by the LTC and the support of the Secretariat. The process of approving the application was taken up by the LTC on a fast track despite many other important jobs that were assigned by the Council. We thank one and all in the LTC and the Secretariat, and all the Pioneer investors that have worked out the modalities for the extension of expiring contracts at the end of 15 years.

India values the work of International Seabed Authority which has significant positive impact on development of deep sea non-living resources for the common heritage of mankind. India has been actively participating in various organs of the Authority and contributing to the effective functioning of Authority since its establishment. As a pioneer investor, India fulfilled all

the obligations and have been actively carrying out various activities for exploration of polymetallic nodules. Last year, India signed another contract with International Seabed Authority for exploration of Polymetallic Sulfides.

It is important that the exploration of deep sea resources continues in the interest of harnessing them in a sustainable manner and we respect the environmental guidelines issued by the LTC from time to time.

The month of August is very auspicious for us as we are preparing to celebrate 7 decades of independence. This decision of the Council is very important milestone for us and we continue our activities in the Area in a sustainable manner.

With regards to the draft decision, ISBA/23/C/L.4, Para numbered 3 (*3. Invites the applicant to be ready to proceed to exploitation at the end of the five-year extension period*) our delegation invites the attention of the distinguished delegates of the Council. Thanks for inviting us to be ready to proceed to exploitation at the end of five-year period. However, this readiness depends on various other factors that control the deep-sea mining such as technology, market conditions and economics therein. We assure this august body that due diligence shall be exercised by India to accomplish all that is favourable in the light of technology being developed.

Another important area pertains to the formulation of exploitation code or the regulations for exploitation of deep sea minerals for which the Authority deserves appreciation.

Thank you, Mr. President.

STATEMENT MADE BY INDIA

On Item 13 (Dated 10.8.2017)

ON THE REPORT OF FINANCE COMMITTEE IN THE COUNCIL

Thank you, Mr. President.

My delegation acknowledges the effort of the Finance Committee in bringing out the report which is indeed commendable.

My delegation support the observation made by the distinguished representative of Brazil on Para X regarding administrative costs to be covered by various contractors. In this regard, it is evident from point no 19, that there is a large consistency covering the administrative costs well within \$47000, however, there is an anomaly w.r.t. one contract that amounted to \$65,613. This one case may not form necessarily a base for revision of administrative costs in 2018. In our opinion we need to carefully consider to look at long term data on this issue to arrive at any further recommendations to the Council by the Finance Committee on such a revision of administrative costs, particularly when the Secretariat is taking steps for reducing the administrative costs as illustrative in Para V. Also, during last year report it was mentioned that Secretariat of the International Seabed Authority has made commendable effort in limiting increases in administrative expenses through continued implementation of the cost-saving and efficiency measures. This has resulted in paying 35-40 percent below list prices for courier services and upto 20 percent below list prices for office stationary.

On Para IX point 16 is a significant recommendation of the Finance Committee.

Thank you, Mr. President.

STATEMENT MADE BY INDIA

On Item 12 (Dated 11.8.2017)

REPORT OF THE CHAIR OF LTC IN THE COUNCIL

Thank you, Mr. President.

We congratulate the Chair and the Legal and Technical Commission for bringing out this comprehensive report dealing with several multidisciplinary areas.

It is heartening to note that significant amount of capacity building would be imparted through training for candidates from developing countries which has met the targeted figure of 200 and shall exceed many fold in next five years. India stands committed to this endeavour and reiterates its position. In this effort India would be imparting training to 10 candidates from developing countries under the contract for exploration of Polymetallic Sulphides which was signed in Sept 2016. This would be in addition to those to be reflected under the extension of the contract for Polymetallic Nodules just approved by the Council yesterday. Further, training opportunities offered by the other contractors would be of significance from the perspective of capacity building.

We are appreciative of the Commission's work pertaining to extension of contracts which involved considerable work. The Commission has obtained the requested data and information which would add to the data bank of the Authority. We are pleased to note that all the contractors had made efforts in good faith to comply with requirements of the contracts and LTC has recommended for extension of contracts for next 5 years. This is significant, since the developmental works of several decades will continue and eventually lead to exploitation phase in future ultimately that would benefit the mankind at large under the principle of common heritage of mankind..

Our delegation has taken note of enormous work of the Commission in reviewing the 23 annual reports which is increasing on year to year. We are happy to note that contractors by and large have been submitting the requisite information and data to the Commission which is of prime importance for further development of the Area and the Central data repository. Our delegation emphasizes the need to ensure the data security and confidentiality as per UNCLOS Provisions.

Environmental impact assessments, Environmental Management Plan and related studies have been of prime importance to India and would support the efforts of the Authority in this regard in general. We would like to draw specific reference to the Geological Model developed for the CCZ which is

pending to be carried out for the Indian Ocean and therefore needs to be take up on priority.

Regarding data management strategy, our delegation considers this to be an important matter and we presume that this would invariably include all the relevant data available in public domain as well as submitted by the contractors.

Finally, with regard to Para 33, the issues that were deferred by the Commission due to heavy workload resulting in lack of time that in turn carried forward the issues and work from one session to another. Our delegation recognises the priority attached by the Commission for the development of the exploitation code, however, issues of critical nature for example i) monopolization of activities in the Area, ii) the concept of abuse of dominant position and iii) the issue of operation of Enterprise need immediate attention in view of the position of deferred discussions by the LTC, and my delegation requests the Council should prioritise these issues and direct the LTC to come out with recommendations.

Thank you, Mr. President.

STATEMENT MADE BY INDIA

On Item 16 (Dated 11.8.2017)

**ELECTION OF MEMBERS OF THE LEGAL AND TECHNICAL
COMMISSION**

Thank you, Mr. President.

Mr President, we would also like to support the views expressed by our Group Coordinator Bangladesh that we should give one more year and wait for the report of the Secretary General next year. At the same time we would like to present some of the facts and figures that are available to us at once. We have carefully studied the report of the Secretary General which is very comprehensive and practical in nature. The report provides deep analysis of the figures available. The report at point no. 12 indicates that the independent Consultants have approached the members of the last LTC which comprised of 24 members and have analysed their specialisation/expertise. The report also mentions and reflects on all elements as mentioned in Article 163.

My delegation doesn't want this process to stall at this time and would like to join the consensus. As you know Mr President, India is nominating and contributing the experts from the 1st LTC and therefore would be appropriate for us to consult them for their views before making any decision.

Mr President, it was you who have suggested us to have group consultations and we have one such consultations in our group today morning and thought of another around of debate before coming up with a draft decision. Where as we are little surprised to see the draft decision on our table, but however we welcome this and this type of documents are helpful in the discussion.

The LTC is of paramount importance to all organs of this Authority. We would like to add here that it does not stop us on discussing the appropriate size of the LTC. As per Article 163, there is provision of 15 members each of the Economic and Planning Commission and LTC which makes a total of 30 which is the size of existing LTC.

Mr President, we are in your safe hands and hope that you will guide us now or next year on taking a final decision on the size and elections of the members of the LTC.

Thank you, Mr. President.

STATEMENT MADE BY INDIA

On Item 15 (Dated 14.8.2017)

**DRAFT REGULATIONS FOR EXPLOITATION OF MINERAL RESOURCES
IN THE AREA**

Thank you, Mr President for giving us the floor and good morning to all.

My delegation appreciates and acknowledges the Legal & Technical Commission and the Secretariat for the hard work in bringing out the draft regulations on exploitation of mineral resources. It is an important milestone in the history of the Authority and its readiness to move forward with exploitation code inviting stake holders for their comments and suggestions. My delegation further states that it would engage constructively in providing all necessary inputs to the draft regulations of exploitation of mineral resources.

Mr President,

We wish that the Authority protects our investments through flexible regulations. We support the suggestion of Algeria on behalf of the African Group seeking an extension of timeline for submission of views. We agree with the suggested road map and the careful plan of work by the LTC. We invite the kind attention of the Council to the Annex provided with ISBA/23/C/12 is a guiding tool for us while considering the draft regulations for the implementation of 'Common Heritage of Mankind'.

Finally, Mr President,

We are happy to see the light at the end of the tunnel.

Thank you Mr President.

STATEMENT MADE BY INDIA

On Item 16 (Dated 14.8.2017)

**ELECTION OF MEMBERS OF THE LEGAL AND TECHNICAL
COMMISSION**

Thank you, Mr President for giving us the floor and good morning to all.

I promise that I will not repeat anything which Bangladesh has said. Only I will repeat the fact that we align with whatever has been said by Bangladesh. Someone was comparing even on Friday the continental shelf and The LTC and one word I would like to say as a technical expert is that the continental shelf is totally focused with a job given to them i.e. extension of EEZ upto continental shelf limits that is based on the information on geology/geophysics. Therefore it was clearly stated in the continental shelf that hydrography, geology, and geophysics are the only qualifications that are required by its members, whereas here you have a variety of qualifications.

As has been stated very clearly that Article 163 of UNCLOS is our guiding principle and at the same time again we would like to reiterate that we are ready now or even after two years. At the end of the day we have to settle this issue once for all. I am sure that in next two years more analysis will be added to the already very good analysis done in the Secretary General's report and some more information will be available from the 30 member LTC which will be of immense value to us. We would like to support the view to wait for some more time until 25th Session. At that point of time, size has to be clearly defined as this is going on for the last 20 years. It is surprising that we are not able to define the size of LTC but I can only say that one danger is that size of LTC will be as equal as of Council and I hope this does not happen.

Thank you Mr President.

STATEMENT MADE BY INDIA

On Item 12 (Dated 14.8.2017)

REPORT OF THE CHAIR OF LTC IN THE COUNCIL

Sorry Mr President for taking the floor again. I promised you not to take the floor again, however, I am intrigued by this point 18 as this has been brought out by us in our statement at the end of presentation of the report of the Chairman of the LTC. We brought the point of monopolization, effective control, dominant position, and enterprise significantly in our statement. All these elements are outstanding against LTC since 2015. At that point of time I was a member of LTC and we had some time to discuss about this but draft exploitation regulations have taken over a priority.

We emphasise that these are going to have an implication on the draft exploitation regulations. Therefore in our statement we said that the Council should give clear directions to LTC to come out with their recommendations on these issues because these are going to be of significant importance.

Practice in the LTC is that if they have heavy workload, they divide them self in sub groups and sub groups actively consider the issues and come back to the main group and it is adopted at the end of day.

Again asking the Secretary General to ensure adequate time and resources, I am afraid as you already seen the financial report, we can't again have additional time and resources to LTC to do this and this can be done inert-sessionally or through email, that is what has been practised earlier.

It is important for this organ to clearly give a timeline to LTC saying that as these are outstanding issues for past many years since 2015, it has to be completed in next one or two sessions.

We do attach extreme importance to these issues and unless otherwise these are addressed we cannot address further the draft exploitation regulations.

Thank you Mr President.