



STATEMENT BY

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Mr. President,

I would like to express my appreciation for the Secretary-General's Report on Oceans and the Law of the Sea (A/60/63 and its two addenda) and for the Report on Sustainable Fisheries (A/60/189). They provide comprehensive accounts on recent developments in the Law of the Sea and together with the Report on the work of the Informal Consultative Process on the Law of the Sea (A/60/99) are essential background for the consideration by the General Assembly of agenda item 75 on Oceans and the Law of the Sea. I would like to compliment the Secretariat of the Division for Ocean Affairs and the Law of the Sea for preparing the reports, specially the Director, Mr. Vladimir Golitsyn, whose leadership of the Division has given focus and renewed impetus to its work.

I would like to express appreciation to the coordinators of the two draft resolutions before this Assembly as well as their collaborators for their untiring effort in forging agreements on the two draft texts. I am particularly appreciative of the references in the omnibus resolution (A/60/L.22) to matters relating to the International Seabed Authority.

Mr. President,

Since my statement to this Assembly at the 59th session, the International Seabed Authority held its eleventh session in Kingston, Jamaica. This session was marked by a significant event, namely, the submission of an application for approval of a plan of work for exploration of polymetallic nodules by the Federal Republic of Germany represented by the German Federal Institute for Geosciences and Natural Resources. As required, the applicant has expended more than US\$30 million in research and prospecting in the deep seabed. The application area is in the Clipperton-Clarion Zone of the north east Pacific Ocean. It covers an area of 149,976 square kilometers which is divided into two areas of estimated equal commercial value as required by the Convention and the regulations of the Authority. The applicant *inter alia* provided a programme for exploration activities, a programme for environmental monitoring as well as a training programme for developing country scientists. In accordance with the Authority's mining code, the application was reviewed by the Legal and Technical

Commission which recommended its approval to the Council of the Authority identifying the area to be allocated to the applicant and the area to be reserved for the Authority under the parallel system. The Council having considered the recommendation of the Legal and Technical Commission approved the plan of work for exploration of polymetallic nodules on 23 August 2005 and requested the Secretary-General to issue a contract to the applicant in accordance with the regulations.

This application for a contract and its approval by the Council constitutes an important milestone in the life of the Authority since this was the first new application received following the entry into force of the 1982 Convention and the establishment of the Authority. Germany now joins seven other contractors who were initially registered as pioneer investors by the Preparatory Commission and were sponsored, respectively, by China, France, India, Japan, Republic of Korea, the Russian Federation and a consortium of East European countries based in Poland.

Mr. President,

During the eleventh session of the Authority significant progress was made by the Council in its consideration of the draft Regulations on Prospecting and Exploration for Polymetallic Sulphides and Cobalt-Rich Crusts submitted to it by the Legal and Technical Commission. The Council completed its first reading of the regulations and requested the Secretariat to provide a more detailed analysis and elaboration on a number of issues in the draft regulations. In particular, on the size of the exploration areas, the proposed system for allocating exploration blocks and the way in which it would operate in practice as well as on the proposed schedule for relinquishment of one half of the exploration area.

It was noted that compared to the regulations on prospecting and exploration for polymetallic nodules, the draft regulations on Polymetallic Sulphides and Cobalt-Rich Crusts contained additional provisions aimed at the protection and preservation of the marine environment. It was recalled that some of the studies carried out by the Authority had suggested that there was a greater risk of environmental damage from exploration for sulphides and crusts when compared to exploration for polymetallic nodules. The Council considered that it would be helpful if it could be provided with a

more detailed analysis of the proposed changes to the draft regulations and their relationship to the provisions of the Convention and the 1994 Agreement

The Council further noted that it would be necessary for the draft regulations to include appropriate provisions, consistent with the Convention and the Agreement, for resolving overlapping claims. It was also noted that the draft regulations did not appear to reflect fully the anti-monopoly provisions contained in Annex III of the Convention.

The Council will continue its consideration of the draft regulations at its next session. In the meantime, the secretariat was requested to prepare a revised text of the draft in order to address some of the technical issues that had been raised during the session as well as to provide additional technical papers and analyses of the more complex issues to guide the discussions in the Council.

Mr. President,

Over the last several years the Authority has convened a series of workshops on topics related to deep seabed environment and resources. The participants in these workshops are experts who have practical experience in research and exploration in the deep ocean. The workshops provide the best available scientific information on deep seabed resources and the ecosystem in which they are found. The data and information obtained enables the Authority to develop regulations and recommendations for activities in the Area on the basis of objective scientific information. The proceedings of these workshops are regularly published and are available.

In 2006 the Authority will hold two further workshops, the first of which will be held from 27th to 31st March. It will focus on the distribution of potential commercial deposits of cobalt-rich ferromanganese crusts in the Area, the conditions leading to the formation of such deposits, an assessment of the patterns of diversity, endemism and scales of seamount faunas and the factors that appear to drive these patterns. This workshop will be held in collaboration with scientists from Chemosynthetic Ecosystems Group (ChEss) and the Seamounts Group (CenSeam) of the Census for Marine Life. The workshop should result in a bio- geographic synthesis of seamount fauna based on research conducted by scientists from Australia, France, Japan, New Zealand, and the

Republic of Korea. Scientists from other countries will also participate. The second workshop will focus on economic and technological considerations for mining of polymetallic sulphides and cobalt-rich crusts and will be held from 31st July to 4th August, the week immediately prior to the twelfth session of the Authority. This should facilitate participation by representatives of Member States and members of the Legal and Technical Commission, in addition to the invited experts.

Mr. President,

In accordance with article 143 para 2 of the Convention, the Authority is engaged in promoting marine scientific research in the deep ocean, and to this end, it encourages and collaborates with groups of international scientists. It is apparent from these endeavours that scientists from developing countries are not involved in such research activities. At this early stage in the research and exploration activities in the Area much of the scientific techniques that are used could also be used for research activities in national areas. For example, the DNA techniques being utilized in the Kaplan project to assess the distribution of organisms in the Clarion-Clipperton Zone, with which the Authority is associated as a sponsor, could be readily used for research in the distribution of the biodiversity in exclusive economic zones. In order to facilitate participation of scientists from developing countries, who neither have the capacity nor opportunities to benefit from some of the advanced techniques in marine scientific research, I have proposed to the members of the Authority that a voluntary trust fund be established to provide opportunities for qualified scientists from institutions in developing countries to participate in research activities in the Area conducted by international scientists and Contractors. The training could be conducted at sea and/or in the laboratories of scientific institutions in advanced countries. In implementing this program, preference would be given to scientists affiliated with universities or research institutions in developing countries so that the knowledge and experience gained could be disseminated widely through such institutions. This initiative for capacity building received the general approval of the members of the Authority and they have requested that a detailed proposal on the establishment of the voluntary trust fund and the programme for training be presented for the consideration of the twelfth session of the Authority in 2006. Details on a further proposal to establish an endowment fund from

the fees paid to the Authority by the Contractors would also be presented to the twelfth session. The income from this fund would be used to supplement the two voluntary trust funds of the Authority.

Mr. President,

I would like to take this opportunity to express my appreciation to members of the Authority who have contributed to the voluntary trust fund to enable the participation of members from developing countries in the work of the Legal and Technical Commission and the Finance Committee. It is gratifying to note that the contributions made to this fund have come from developed and developing countries. I appeal to those who have not yet contributed to consider doing so as full participation in the institutions of the Authority contributes to its effective operation.

Mr. President,

One of the difficulties that the Authority continues to encounter is the lack of adequate participation of its Member States in its annual sessions. Although much of the work being carried out by the Authority have universal effect, especially the rules and regulations which are being adopted are binding on Member States, the participation of Member States over the last few years has been less than one half of the membership. This creates procedural difficulties for the Assembly of the Authority and impedes its efficient operation since the quorum required under the Convention is a presence of one half of the members. This is a matter of serious concern and I am pleased that it is addressed in Part VI paragraph 30 of the resolution contained in document A/60/L.22. I would like to appeal to all Member States of the Authority to attend its annual sessions and participate fully in its work. It is an obligation that stems from being a party to the Convention. The next session of the Authority will be held from 7th to 18th August, 2006. It is always difficult to arrive at broadly acceptable dates for the annual sessions. Account has to be taken of the meetings relating to Oceans and the Law of the Sea being held in New York and elsewhere which are attended by a core group of the same participants, and also the availability of Conference Services in the overall programme of meetings of the United Nations. I take note of the concerns

expressed in paragraph 30 of the resolution and we will continue consultations with the Conference Services for more suitable dates.

Mr. President,

Some eight years ago I had advocated in this Assembly the establishment of a forum outside the General Assembly Session which would provide more time for in-depth consideration of current issues relating to the Law of the Sea, in particular, those arising from the implementation of the Convention. Such a forum would encourage consistent interpretation and application of the provisions of the Convention as well as facilitate coordination and cooperation in ocean related activities being carried out in different organizations and bodies. The proposal was also designed to bring Oceans and the Law of the Sea back into the main stream of activities of the United Nations which had diminished after the conclusion of the Third United Nations Conference on the Law of the Sea in 1982. It is gratifying that over the past six years the United Nations Informal Consultative Process on Oceans and the Law of the Sea has been highly successful in providing an invaluable forum for exchange of views on emerging issues and has helped States, international organizations and bodies, and the civil society to consider in some detail the issues raised in the Annual Reports of the Secretary-General. It has not only enabled the General Assembly to have a more focused discussion but also helped it to re-establish its central role in matters relating to the Law of the Sea and Ocean Affairs. Furthermore, in considering the issues arising from the implementation of the Convention and in addressing new issues which have arisen since the Convention was adopted within the framework of the Convention and its Implementing Agreements, the Informal Consultative Process has contributed to the strengthening of the regime for the oceans and the seas contained in the 1982 Convention. It is only appropriate therefore that the Assembly should decide to extend the Informal Consultative Process for at least a further three years.
