



STATEMENT BY

SATYA N. NANDAN

**SECRETARY-GENERAL OF THE
INTERNATIONAL SEABED AUTHORITY**

**Agenda item 70 (a)
OCEANS AND THE LAW OF THE SEA**

**63rd SESSION OF THE GENERAL ASSEMBLY
OF THE UNITED NATIONS**

4 DECEMBER 2008

New York

Mr. President,

I would like to take this opportunity to highlight some of the most important developments in the work of the Authority over the past twelve months.

First, however, I wish to make brief reference to operative paragraph 33 of draft resolution A/63/L.42, which takes note of the progress made by the Authority in its deliberations and encourages the finalization of regulations for prospecting and exploration for polymetallic sulphides as soon as possible. I would like to inform the Assembly that, at its 2008 session, the Council of the Authority continued to make good progress in its work of elaborating these regulations. As a result of intensive work, it was possible to resolve many of the outstanding issues with respect to the draft regulations, particularly the environmental issues that had been of concern to many delegations in previous sessions. In particular, the addition of a comprehensive review clause gave a much-needed assurance to many members of the Council that it would be possible to revisit critical parts of the proposed regulatory regime in the future in the light of experience and improved economic and scientific knowledge. It is important to continue this work at the next session and I believe that most members of the Council are committed to bringing this work to a conclusion in 2009. I believe that this is an important goal. Recent exciting scientific discoveries mean that it is quite likely that one or more States will wish to pursue exploration licences in the near future. It is essential in these circumstances that the regulatory framework is not delayed unnecessarily.

Mr. President,

The growing interest in seabed mineral resources was demonstrated by the fact that earlier this year, the Authority received two new applications for licences to explore for polymetallic nodules in the international seabed area. These applications are presently still under consideration by the Authority's Legal and Technical Commission and will be considered further during the fifteenth session in 2009. Nevertheless, the applications are highly significant for two reasons. First, they cover areas of the prime nodule province in the Central Pacific Ocean that are reserved for the conduct of activities by the Authority or by developing States. Second, they are the first applications to have been made to the Authority by a private sector applicant sponsored by developing States, in this case the Governments of Nauru and Tonga. This is in contrast to the situation with regard to the existing contractors with the Authority, all of which are government-sponsored enterprises and which had commenced their exploration activities during, or in some cases even before, the pioneer regime contained in resolution II of UNCLOS III was adopted. This is a very interesting development for the Authority and for the international community as a whole. For one, it will provide a valuable test of the effectiveness and integrity of the international machinery that has been developed through the 1994 Agreement and the rules, regulations and procedures of the Authority. For another, private sector involvement in the development of marine mineral resources in the international seabed area may well act as a catalyst to other contractors with the Authority, most of whom have been content to carry out their activities at a very slow and deliberate pace.

Another major development in the work of the Authority during 2008 was a proposal to set aside certain areas of the Central Pacific Ocean for the purposes of environmental protection and to safeguard biodiversity. This proposal, which is presently under consideration by the Legal and Technical Commission is based on extensive scientific and geospatial analysis of the environmental characteristics of the areas concerned over a period of several years. The potential 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. I very much hope that the Legal and Technical Commission will be in a position to make a specific and fully-reasoned proposal to the Council in 2009 on this matter.

Mr. President,

I am pleased to inform the Assembly that I have just returned from Rio de Janeiro, Brazil, where last week the Government of Brazil graciously hosted a seminar on the marine mineral resources of the South and Equatorial Atlantic Ocean. This was the second such regional seminar convened by the Authority; the first having taken place in Indonesia in 2007. Like the previous event, the seminar in Brazil was a great success, bringing together international scientific and technical experts as well as a broad cross-section of technical personnel from Brazil and representatives of a number of African States with an interest in the Equatorial Atlantic Ocean. I would like to convey my appreciation to the Government of Brazil for its initiative in deciding to host the seminar and for its excellent hospitality. The proceedings of the seminar will be made available to all in due course. The third regional seminar is due to be held in Abuja, Nigeria, in the first part of 2009.

Mr. President,

I note with appreciation paragraph 35 of draft resolution A/63/L.42 which calls upon members of the Authority to pay their assessed contributions in full and on time. Although, regrettably, some members have allowed arrears to build up, I believe that in most cases this is due to inadvertence. In general, it is gratifying to observe that, during the past twelve years, members of the Authority have shown a commendable readiness to pay their assessed contributions promptly. I thank you all for your support in this respect.

With respect to operative paragraph 36 of the draft resolution, I am very pleased to announce that, in light of the positive experience we had in 2008 as a result of bringing forward the dates for the annual session, the fifteenth session of the Authority in 2009 will be held from in Kingston from 25 May to 5 June. It will be preceded by a

one-week meeting of the Legal and Technical Commission. I would remind member States, nevertheless, that there is no room for complacency and I urge them to ensure that they are represented at the meetings of the Authority in Kingston, especially as there are a number of important decisions to be taken at the next session.

Mr. President,

Last year, I had informed this Assembly of the establishment by the Authority of its Endowment Fund for the promotion of marine scientific research. Since last year, the necessary administrative and practical arrangements have been put in place to enable the Fund to begin its operations. In addition, the Secretariat has worked throughout the year to establish partnerships with a number of leading scientific and technical institutions around the world which are interested in collaborating with the Authority to provide training opportunities for personnel from developing countries.

The practical arrangements that have been made include the appointment of a panel of experts to advise the Secretary-General on applications for assistance from the Fund. This panel met recently for the first time and it gives me great pleasure to report that, as a result, the Authority will shortly be announcing the opening of applications for the first opportunities, in the form of fellowships, to be supported by the Fund. I wish to encourage qualified scientists from developing countries to apply for these opportunities in due course.

I also wish to once again encourage member States and others to contribute to the Fund. In this regard, I wish to acknowledge with gratitude the Governments of Mexico and the United Kingdom for making contributions to the Fund in 2008.

Mr. President,

As many of you will be aware, this is the last occasion upon which I shall address the Assembly in my capacity as Secretary-General of the Authority. My term of office comes to an end on 31 December. I would like to take this opportunity to congratulate my successor, Mr. Nii Allotey Odunton, of Ghana, on his election as the next Secretary-General of the Authority and to wish him well. I also wish to express my sincere appreciation to member States for the support they have given to me during my term of office and to thank you all for placing your trust in me. It has been a privilege to serve the international community and to contribute towards the establishment of the Authority as one of the key institutions created by the Convention.

Over the past 35 years, since the beginning of the Third UN Conference, I have had the extraordinary privilege to have been associated with most of the developments in the law of the sea. A number of milestones stand out. In the early days, the long and painstaking process of weaving together the complex and multifaceted provisions of the Convention into a coherent whole in order to achieve a broad agreement. Then the adoption of the Convention in 1982. After 1982, I also witnessed the work of the Preparatory Commission in my capacity as the Under Secretary-General for Ocean

Affairs and the Law of the Sea and the Special Representative of the Secretary-General for the Law of the Sea. Another milestone took place in 1994 when the outstanding issues with respect to Part XI of the Convention were finally resolved through the 1994 Agreement. This opened the door for universal participation in the Convention, which in turn has led to the current situation where there are 157 Parties to the Convention.

There were other challenges to the Convention in the 1990s, particularly the question of how to solve the problem of severe depletion of global fish stocks. This led to the adoption of the second implementing agreement in 1995 – the Fish Stocks Agreement – which again I was fortunate to have been closely involved in as the Chairman of the Conference. Following the entry into force of the Convention in 1994 it was necessary to establish the various institutions created by the Convention, including the Tribunal, the Authority and the Commission for the Limits of the Continental Shelf. It has been my great privilege to have been entrusted with the establishment of the Authority and get it to the point of being fully operational.

What is most remarkable is that at each stage the Convention has been further strengthened. It continues to be applied with a remarkable degree of uniformity and consistency that we had never envisaged or foreseen during the Conference. Any issues that have arisen we have been able to resolve through the technique of implementing agreements within the framework of the Convention. In this regard, one characteristic of the Convention is its flexibility. While it contains important principles it also contains internal flexibility which allows for further development of those principles. This gives me confidence that as new issues arise they can be resolved within the framework provided by the Convention without upsetting the fundamental balance that has led to its broad acceptance and application in State practice. It is important nevertheless for those who believe in order in the oceans to be vigilant and guard against the temptation to assert rights beyond what is provided for in the Convention. It is in the interests of everyone to preserve the basic principles of good order and peaceful use of the oceans. I have every confidence that this Convention, compared to its predecessors, the 1958 Conventions, will endure.
