

ISA, Assembly, 26<sup>th</sup> Session, Agenda Item 9, Tribute to Satya Nandan

Statement by Ambassador Helmut Tuerk (Austria)

Mr. President,

Permit me to add a few personal remarks to the tribute by the Secretary-General commemorating the unforgettable Satya Nandan.

The 1982 UN Convention on the Law of the Sea has rightly been called the most significant legal instrument since the adoption of the United Nations Charter. This achievement is due to the common efforts of all the members of the international community in the course of many years of intense and most difficult negotiations, after the initial spark had been provided by Ambassador Arvid Pardo of Malta in 1967. As in any human endeavour of such magnitude strong leadership is required to bring a highly difficult process to a successful conclusion. At the Third United Nations Conference on the Law of the Sea there were a number of truly outstanding personalities whose untiring efforts proved to be indispensable for the final positive result.

Of these personalities, let me just mention a few: the two Presidents of the Conference, Shirley Amerasinghe of Sri Lanka and Tommy Koh of Singapore and the Rapporteur General of the Conference Kenneth Rattray of Jamaica. Last but not least there was Satya Nanda of Fiji whose manifold achievements have already been admirably outlined by the Secretary-General. The substantial contributions to the new law of the sea Satya made at the Conference have perhaps been somewhat overshadowed by his most successful tenure as the first Secretary-General of the International Seabed Authority.

As already mentioned by the Secretary-General, Satya was the chairman of Negotiating group 4, the so-called group of 21, seeking a compromise between coastal States on the one-hand and the landlocked and geographically disadvantaged States on the other regarding fishing rights of these latter two groups of States in the Exclusive Economic Zone. That issue, today largely forgotten, could well have been a breaking point for the negotiations, in particular as the question of fisheries was of immediate effect, concerning the livelihood of people in many countries, while deep seabed mining seemed to be quite a long way off. I had the honour to represent the landlocked countries in these negotiations, while my most distinguished friend from Jamaica, Patrick Robinson, now a Judge at the International Court of Justice, represented the geographically disadvantaged States. These negotiations were among the most difficult ones at the entire Conference. In the end, a compromise could be achieved thanks to the untiring efforts of Satya Nandan.

Later, when he had been appointed UN Under Secretary-General and Special Representative of the Secretary-General for the Law of the Sea he instituted the informal consultations by the UN Secretary-General on Part XI of the Convention to make it also acceptable to important industrialized countries which at the beginning had refrained from signing it. In the course of these consultations, I was once again able to observe Satya Nandan's great diplomatic skills which brought us to a generally acceptable solution in the form of the 1994 Implementation Agreement. If these consultations had failed, a number

of delegates now present in this conference room might not be here at all or perhaps only in the capacity of observers. Furthermore, without this Implementation Agreement the International Seabed Authority would certainly not have reached its current state of development. Thus, all of us are deeply indebted to Satya Nandan, an outstanding diplomat, a great human being and a wonderful friend to many of us in the law of the sea community.

Mr. President,

The United Nations Convention on the Law of the sea was adopted during a window of opportunity. It may seem doubtful whether such an undertaking could be successfully repeated today. We should therefore be very careful in safeguarding this great achievement and act wisely in further building upon it. My delegation is highly pleased to have had the opportunity to make this small contribution to the memory of a towering figure in the history of the law of the sea, Satya Nandan.

Thank you, Mr. President.