



STATEMENT BY THE SECRETARY-GENERAL OF THE INTERNATIONAL SEABED AUTHORITY TO THE 20TH MEETING OF THE STATES PARTIES TO THE 1982 UN CONVENTION ON THE LAW OF THE SEA

14 – 18 JUNE 2010

(Provisional agenda item 9)

Mr President,

I am pleased to present the usual brief information to the Meeting of States Parties on some of the important elements of the work of the International Seabed Authority over recent months.

As most of you will be aware, the 16th session of the Authority took place in Kingston from 26 April to 7 May 2010. I am pleased to report that, despite some initial difficulties as a result of the volcano in Iceland, the session was relatively well attended and there was very active participation in the discussions on some of the key items on the agenda. As a result, both the Council and the Assembly were able to make significant progress on a number of issues which have been outstanding for several years.

First and foremost I am delighted to inform States Parties that the Council was finally able to adopt the Regulations for Prospecting and Exploration for Polymetallic Sulphides, together with an accompanying resolution to deal with the difficult issue of how to resolve any overlapping claims.

Mr. President,

As you will be aware, the Council began work on the draft regulations as long ago as 2001 in response to an initial request made by the Russian Federation in 1998. It has been a long and difficult road, strewn with obstacles and unexpected difficulties. I should emphasise that this is in no way due to the intransigence of individual delegations, but reflects the fact that we know so little about the resources in question and the environments in which they occur. It was necessary therefore to proceed cautiously, taking into account the best available scientific advice on each aspect of the draft regulations and remitting particular issues from time to time to the Legal and Technical Commission for further consideration.

The result, I believe, is a set of regulations that is both balanced and progressive and, most importantly, ensures effective protection for the marine environment. Thanks to the restraint and consideration shown by key delegations, the Regulations permit qualified entities to obtain 15-year exploration licences over prospective areas that are reasonable in size, to provide an incentive for future

commercial operation without resulting in monopolization of known resources. The environmental provisions in the Regulations, whilst based upon those adopted in 2000 as part of the regulations governing exploration for polymetallic nodules, are in fact much strengthened and include explicit reference to the need to protect vulnerable marine ecosystems in line with the relevant General Assembly resolutions. Furthermore, the Regulations also recognise the power of the Legal and Technical Commission to make recommendations for the management of activities that may have seriously harmful effects on these ecosystems through a precautionary approach to environmental management planning. In recognition of the uncertainty surrounding our knowledge of the resources and the environmental impact of future sulphide mining, the Regulations also include a clause which requires the Council to undertake a review of the way in which they have operated after five years.

Mr. President,

Following their adoption by the Council, the Regulations were approved by the Assembly on 7 May 2010. On the same day the first application for an exploration licence was submitted by China Ocean Mineral Resources Research and Development Association. As required by the Regulations, general information regarding this application, which covers an area on the South West Indian Ridge, was circulated to all members of the Authority. The application will be considered by the Legal and Technical Commission at its next meeting in 2011.

Mr. President,

In 2011 there will also be elections to both the Legal and Technical Commission and the Finance Committee. One of the other important achievements of the Council during the 16th session was to reach a clear understanding as to the future size and composition of the Legal and Technical Commission and on the procedures for nomination of candidates to that body; issues which have caused considerable difficulty in the past. As a result of the discussions in the Council, it is understood that no more than 25 members will be elected to the Commission in 2011. The procedure for nomination has also been reconfirmed and is to be applied strictly. Invitations to submit candidacies will be issued by the Secretariat in October 2010, six months prior to the next session of the Authority. Nominations of candidates, which must be accompanied by a full statement of qualifications, will be closed in January 2011, three months prior to the next session. No late nominations will be accepted. The final list of candidates will be circulated two months prior to the session in February 2011.

Mr. President,

I invite all States Parties to take note of the election procedures, the details of which can be found on the Authority's website, and I look forward to receiving nominations of well-qualified candidates in due course. The work of the Legal and Technical Commission has increased steadily over the past five years and is likely to increase further in future and become more complex and technical as the pace of activity in the international seabed area increases.

Mr. President,

As well as concluding its work on these outstanding issues, the Council also took the decision to request the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea to provide an advisory opinion under article 191 of the Convention. This is the first time that such an advisory opinion has been requested and, as such, represents uncharted waters for both the Authority and the Tribunal. Whilst there were clearly different views amongst the members of the Council as to the need to submit such a request, it was encouraging to observe that the debate was conducted in a positive and constructive manner and that eventually it was possible to adopt the decision to request an advisory opinion by consensus. I believe that the fact that the Council was able to reach such a decision is a sign of the growing maturity of the institutions created by the Convention, as well as a sign of confidence in the role of the Tribunal on the part of States Parties.

The questions raised in the request are as follows:

1. What are the legal responsibilities and obligations of States Parties to the Convention with respect to the sponsorship of activities in the Area in accordance with the Convention, in particular Part XI, and the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982?
2. What is the extent of liability of a State Party for any failure to comply with the provisions of the Convention, in particular Part XI, and the 1994 Agreement, by an entity whom it has sponsored under Article 153, paragraph 2 (b), of the Convention?
3. What are the necessary and appropriate measures that a sponsoring State must take in order to fulfil its responsibility under the Convention, in particular Article 139 and Annex III, and the 1994 Agreement?

These questions clearly raise important legal issues which are fundamental to the regime for deep seabed mining established by Part XI of the Convention and the 1994 Agreement, and I would encourage all States Parties to take note of the request.

The request has been registered at the Tribunal as case number 17 and a preliminary order was issued by the President of the Seabed Disputes Chamber on 18 May 2010. That order invites all States Parties, the Authority, and all intergovernmental organizations invited to participate as observers in the Assembly of the Authority to present written statements on the questions raised in the request by 9 August 2010. A date has also been fixed for oral hearings, which will commence on 14 September 2010 in Hamburg.

Mr President,

the workload of the Authority is increasing rapidly as the global economy begins to recover from the shocks of the past two years. This is indicative of growing and renewed interest in marine mineral resources as well as ever greater concern for the effective protection of the marine environment in areas beyond national jurisdiction. The role of the Authority is critical in this respect. It is the only

international organization with global regulatory authority in areas beyond national jurisdiction and as such, the standards and measures adopted by the Authority will inevitably provide a benchmark for national measures to protect the environment from the harmful effects of seabed activities subject to national jurisdiction, particularly for those countries that lack the necessary legislative framework. For this reason the Authority continues to place environmental issues at the forefront of its agenda. Later this year, at the request of the Legal and Technical Commission, the Authority will convene a workshop to further a proposal to develop an environmental management plan at the regional scale for the Clarion Clipperton Zone in the central Pacific, which is the prime area of interest for polymetallic nodules.

At the same time, the Authority has been working in cooperation with the global scientific community to consider how best to manage the environmental impacts of exploration for polymetallic sulphides. In this regard the Authority recently co-sponsored a workshop to consider how best to conserve and manage fragile ecosystems such as hydrothermal vents and cold seeps. The results of this workshop will be submitted to the Legal and Technical Commission next year in order to help it develop guidelines on the environmental data and techniques to be used by future contractors with the Authority. The Authority is also working with other organizations, including the Convention on Biological Diversity, and OSPAR, which became an observer to the Authority this year, to develop appropriate measures at the regional scale to protect the marine environment.

Mr President,

This is only a brief snapshot of the recent work of the Authority. As usual, all the documents of the sixteenth session are on the Authority's website and I encourage delegations to study them and to continue to participate in the work of the Authority.

In conclusion, Mr President, I wish to make two observations.

Firstly, as of June 2010, the Authority has received 86 per cent of assessed contributions to the budget for 2010, as compared to 83 per cent at the same time last year. I wish to take this opportunity to express my appreciation to those member States that have paid their assessed contributions in full and on time and to remind others that contributions are due and payable by 1 January in each year.

Secondly, however, a relatively large number of States Parties are still in arrears with regard to the payment of their assessed contributions. I would like once again to urge all those in arrears to pay the outstanding amounts as soon as possible.

Finally, as mentioned in my annual report to the Assembly of the Authority, there are also a small number of States members of the Authority which have not yet taken the necessary steps to become party to the 1994 implementation Agreement on Part XI. I wish to urge these States to become party to that Agreement as soon as possible in order to remove this anomalous situation.

Thank you for this opportunity.