Mr President,

I wish to express the appreciation of the International Seabed Authority to the delegations which have expressed their support for the work of the Authority. It is encouraging that there is such a high level of interest in the Authority's work and I believe this to be a positive indication of the commitment of member States to see the Authority develop into an effective organisation capable of giving effect to its responsibilities under the 1982 Convention on the Law of the Sea and the 1994 Agreement for the implementation of the Convention.

I also wish to express appreciation for the various references to the Authority in draft resolution A56/L.17, which is now before the Assembly, particularly those in Parts V and VI, in which the Assembly notes with satisfaction the ongoing work of the Authority, including the issuance of contracts for exploration for polymetallic nodules and the elaboration of recommendations for the guidance of contractors to ensure effective protection of the marine environment from harmful effects that may arise from activities in the International Seabed Area.

The signature in 2001 of 15-year exploration contracts with six out of the seven registered pioneer investors marked a significant milestone for the Authority. It brings to an end the interim regime established by resolution II of United Nations Convention on the Law of the Sea (UNCLOS) III. More importantly, it gives practical and real effect to the single regime for the Area established by the Convention, the Agreement and the Regulations for Prospecting and Exploration for Polymetallic Nodules in the Area and, as such, represents a significant step forward for the international community.

The Authority is now in a contractual relationship with the former registered pioneer investors. In accordance with the provisions of the Regulations, each contractor has provided the Authority with details of its proposed activities under the contract and each contractor is under an obligation to report to the Authority on the progress of exploration.

Another significant achievement in 2001 was the issue by the Authority's Legal and Technical Commission of a set of recommendations for the guidance of contractors for the assessment of the potential environmental impacts arising from activities in the Area. These recommendations, which are highly technical in nature, are designed to help contractors to fulfil their obligations under the contract as they relate to the protection of the marine environment from potential harmful effects, which may arise from activities in the Area. These recommendations are based upon the outcomes of a successful international workshop held by the Authority in 1998, which was then given detailed scrutiny by the Legal and Technical Commission. They represent, therefore, an analysis based on the best available scientific knowledge of the deep ocean environment and the technology to be used in exploration.

The objective of the reporting requirements under the contracts and the recommendations is not to burden the contractors with unnecessary requirements, but to establish a mechanism whereby the Authority, and particularly the Legal and Technical Commission, can be provided with the information necessary to carry out its responsibilities under the Convention and the Agreement to ensure the protection of the marine environment from harmful effects arising from activities in the Area.

In this context, on a broader scale, the draft resolution before the Assembly, as well as the report of the co-chairmen of the informal consultative process, reiterate that national, regional and global efforts to manage the oceans need to be informed and guided by the concept of ecosystem-based management. This applies equally to the deep ocean. We need to improve our knowledge of deep ocean ecosystems, increase our understanding of the relationship between ecosystems and multiple uses of the oceans and take these
factors into account when making decisions.

Over the past two years, the work of the Authority has become increasingly of a technical nature. This is a development that is both inevitable and desirable. In June 2001, the Authority convened the fourth in its series of international workshops on issues relating to deep seabed mining. The subject of this year’s workshop, which was attended by a number of eminent scientists and researchers, was the standardization of data collection and evaluation from research and exploratory activities undertaken in the deep seabed, both in respect of the mineral resources and in respect of protection and preservation of the marine environment. It is clear from the discussions that took place during this and previous workshops that considerable research is required to bridge the gaps in knowledge of deep ocean ecosystems to enable the Authority to effectively manage impacts from future mining.

It is also clear that the Authority has an important technical role to play, both as a global repository of data and information and as a catalyst for collaborative research at the international level. In July 2002, immediately prior to the eighth session, the Authority will convene a further technical workshop which will focus on the prospects for international cooperation and collaboration in marine scientific research on the deep oceans and address critical issues for the sediment biota and biota living on nodules in potential mining areas.

To succeed in its efforts, the Authority will need to continue, and establish a symbiotic relationship with, contractors in the implementation of exploration contracts to ensure the application of the recommendations. I am confident that contractors will cooperate with the Authority and realise that improved knowledge of the deep ocean environment is to the benefit of everyone. At the same time, however, there is a need for ongoing involvement of a political nature in the work of the Authority. At this year's session, in response to a request made by a member State, the Council of the Authority commenced work on consideration of the appropriate type of regulation for prospecting and exploration for hydrothermal polymetallic sulfides. While work in this area is at a preliminary stage, the Council decided nevertheless that it should continue consideration of issues relating to the elaboration of such regulations at its next session in order to give the members of the Council the opportunity to consider further the important conceptual issues involved. In the meantime, the Secretariat has been requested to collect and assemble necessary information for the consideration of the Council.

Subject to the nature of the issues under consideration, I would like to repeat the theme I made during last year's debate, for all Member States to consider seriously their participation in workshops of the Authority. It is particularly important that, in formulating new regulations, the views of all Member States should be taken into consideration. The Convention and the Agreement establish a very high threshold for the quorum necessary for the convening of the Assembly and the Council, which in the case of the Assembly is one half of the total membership of the Authority. It is apparent, therefore, that without the presence of members at the meetings of the Authority, its ability to take decisions will be affected.

I would like to refer to paragraph 15 of draft resolution A/56/L.17 which refers to the prompt payment of dues to the Authority and the Tribunal. I would like to take this opportunity to urge those Member States that have not yet done so to pay their contributions to the administrative budget of the Authority in full and on time. I am pleased to say that the response to previous requests by both the Assembly of the Authority and this Assembly has been encouraging and that the majority of Member States have fulfilled their obligations promptly. This is important, because it has helped the Authority in turn to manage its finances in a responsible and efficient manner. I am grateful to all Member States for their cooperation in this regard and I would once again urge all those who are in arrears, including those former provisional members of the Authority, to pay their outstanding contributions and as soon as possible to enable the Authority to continue its work.

I would like to express appreciation to the Secretary-General for his report contained in document A/56/58 and Add.1. I congratulate my friends and colleagues in the Division for Ocean Affairs and the Law of the Sea on a comprehensive report. I particularly welcome the addendum to the main report which provides a succinct and up-to-date overview of developments since the main report was issued.

I also wish to commend the co-chairmen of this year's informal consultative process for their excellent work during the second meeting of that process and to thank them for the comprehensive and detailed report, A/56/121. I believe the report is a considerable improvement on last year's report and contains a number of thought-provoking suggestions and recommendations which will help to guide the work of the General Assembly, not only this year but in the future. The themes selected for consideration during this year's meeting, particularly the theme of priorities for marine scientific research, are extremely important and I was particularly pleased to see the participation in the meeting of a broad cross-section of representatives from a number of the specialised agencies of the United Nations, international organisations and bodies concerned with marine scientific research.

The subject of marine scientific research is, of course, a matter of great concern to the International Seabed Authority, which, as its General Assembly is fully aware, is one of the principal bodies responsible for the management and control of marine scientific research in the international sector. In the field of exploration for and exploitation of the resources of the area referred to in article 135 of the 1982 United Nations Convention on the Law of the Sea, the Authority will continue to adopt policies and procedures designed to achieve the objective set out in article 135 of that Convention, namely, the sharing of the benefits derived from the exploration for and exploitation of the resources of the area as a public trust for the benefit of mankind as a whole.

In order to ensure that the Authority is able to discharge its obligations relating to scientific research in a manner consistent with its role and responsibilities, I am pleased to see that the Authority has maintained its high level of support expressed by the participants in the informal consultative process for the elaboration of regulations at its next session, including the biological diversity of the high seas and the biota, biotopes and habitats of the deep sea, as well as the need for better cooperation among international organisations and bodies concerned with marine scientific research.

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The basic principle set out in the Convention is that all States and competent international organisations have the right to conduct marine scientific research subject to the rights and duties of other States as provided for in the Convention. This broad principle is justified by the need to increase our knowledge of the marine environment and the benefit of such knowledge to mankind as a whole. In the context of the International Seabed Authority, for example, marine scientific research will be an essential tool for the Authority with the information it needs to fulfil its obligations to protect and preserve the marine environment under article 145 of the Convention, as well as providing the basic information necessary in order to
effectively regulate prospecting, exploration and exploitation of the resources of the Area. The problem is that, while there is a freedom to engage in marine scientific research on the high seas and in the seabed, mineral resource prospecting and exploitation in the Area are regulated through the Authority. The Convention fails to adequately distinguish between the terms ‘scientific research’, ‘prospecting’ and ‘exploitation’, nor does it make a distinction between ‘pure’ and ‘applied’ scientific activities. Deep seabed mining becomes even more acute when we consider the new scientific discoveries that have been made in recent years, particularly in the deep sea vents, which comprise both mineral resources (polymetallic sulphides) and genetic resources in the form of rich biological communities of unknown potential use to science. Here we have not only a very real conflict between true marine scientific research and mineral prospecting, but also the potential for multiple use conflicts between, for example, deep seabed miners, so-called bioprospectors, and the proper conduct of ocean management of the deep ocean environment.

Clearly, there is a close relationship between the conduct of scientific research and mineral prospecting, but also between, for example, deep seabed miners, so-called bioprospectors, and the proper conduct of ocean management of the deep ocean environment.

I particularly welcome the reference in the draft resolution to the provisions of article 292 of the Convention that have been implemented and unreported (IUU) fishing. This is a very important provision, which calls for a conference to be convened four years after the date of entry into force in order to review and assess the adequacy of the provisions of the Agreement and, if necessary, propose means of strengthening the conservation and management of the fish stocks to which the Agreement applies. I am encouraged to see that the resolution recognises the importance of this process and requests the Secretary-General to report annually on the implementation of the Agreement.

A major problem in fisheries today is illegal, unregulated and unreported (IUU) fishing, which the draft resolution rightly addresses. The draft resolution also requests flag States to exercise effective control over fishing vessels flying their flags, focusing on the primary responsibility of the flag State and the use of all available jurisdiction in accordance with international law. While the efforts of FAO and International Maritime Organisation (IMO) in this regard are to be commended, the fact is that in many cases flag States are not in a position to control and prevent illegal, unregulated and unreported (IUU) fishing, particularly if they are flags of convenience. It is well known that flags of convenience are invariably used as a device by the owners of fishing vessels to avoid implementation of conservation and management measures. It is useful to observe here that of the five cases on promulgate release of vessels under article 292 of the Convention that have come before the Tribunal, all have involved fishing vessels flying flags of convenience. The problem of illegal, unregulated and unreported (IUU) fishing cannot be treated by concentrating on the definition of ‘genuine link’ because that concept has wider implications and connotations. It is not the only reason why owners and charterers of fishing vessels under their ownership, direction and control. This is not a radical suggestion. It has been used in the context of other types of activities in the oceans. For example, in the case of oil pollution, the owners of tankers and the owners of the cargo are held responsible for oil spills (International Convention on Civil Liability for Oil Pollution Damage, IOPC Fund Convention). There is no reason why owners and charterers of fishing vessels and those who actually control the vessels, the masters, should not be held similarly responsible. This is an area of fishery law the development of which needs urgent attention if we are serious about taking effective measures to deal with the problems of IUU fishing.

Ministerial Declaration*

1. The multilateral trading system embodied in the World Trade Organization has contributed significantly to economic growth, development and employment throughout the past fifty years. We are determined, particularly in the light of the global economic slowdown, to maintain the process of reform and liberalization of trade policies, thus ensuring that the system plays its full part in promoting recovery, growth and development. We therefore strongly reaffirm the principles and objectives set out in the Marrakech Agreement Establishing the World Trade Organization, and pledge to reject the use of protectionism.

6. We strongly reaffirm our commitment to the objective of sustainable development, as stated in the Preamble to the Marrakech Agreement. We are convinced that the aims of upholding and safeguarding an open and non-discriminatory multilateral trading system and acting for the protection of the environment and the promotion of sustainable development can and must be mutually supportive. We take note of the efforts by Members to conduct national environmental assessments of trade policies on a voluntary basis. We recognize that under WTO rules no country should be prevented from taking measures for the protection of human, animal or plant life or health, or of the environment at the levels it considers appropriate, subject to the requirement that they are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, and are otherwise in accordance with the provisions of the Agreement.

WTO

Ministerial Declaration*

Excerpts

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