

**STATEMENT BY SATYA N. NANDAN ON THE OCCASION OF THE SPECIAL
SESSION OF THE ASSEMBLY OF THE INTERNATIONAL SEABED AUTHORITY
CONVENED TO MARK THE TWENTIETH ANNIVERSARY OF THE
ESTABLISHMENT OF THE INTERNATIONAL SEABED AUTHORITY**

22 July 2014

Mr. President,

Mr. Secretary-General,

Honourable Minister,

Distinguished Judges of the International Tribunal for the Law of the Sea,

Excellencies,

Distinguished delegates,

I wish to thank the Authority for inviting me to participate in the celebrations to commemorate the twentieth anniversary of the establishment of the Authority. I wish to congratulate the Authority for reaching this important milestone and wish the members of the Authority and its staff, success in their future endeavours.

The Authority of course is a creation of the 1982 United Nations Convention on the Law of the Sea, which is also celebrating this year, on 16 November, its twentieth anniversary of entry into force.

The Convention represents the modern international law of the sea. It is universally accepted as the basis for the peaceful and orderly management and use of the world's oceans and its resources. Its success is not only reflected in the number of parties to it, which currently stands at 166, but more importantly in the universal application of its provisions in State practice by parties and non-parties. It is also recognized as the primary source of the international law of the sea by international judicial bodies such as the International Court of Justice, the International Tribunal for the Law of the Sea and international arbitral tribunals. It is widely applied

globally by international, regional and subregional organizations engaged in ocean-related matters or ocean management activities.

The level of success that the Convention has achieved is beyond the expectations of those of us who were involved in its negotiation. Indeed the Convention has contributed immensely to the strengthening of peace and good order in the oceans. Together with the Charter of the United Nations, it has earned its place as part of the global system for international peace and security.

Mr. President,

I should mention that the three institutions established under the Convention, the International Tribunal for the Law of the Sea, the Commission for the Outer Limits of the Continental Shelf, the International Seabed Authority, all are fully functioning and contributing to the implementation of the provisions of the Convention.

Twenty years ago when we set out to establish the Authority and give practical effect to the norms and principles contained in the Convention and the 1994 Implementing Agreement we found the task to be challenging. The Authority is a unique global organization. It is the only organization charged with the responsibility to organize and control activities in the international seabed Area and administer the resources of this part of the global commons. There were no precedents for us to follow in this regard.

The first task was to set up the organs of the Authority. On the face of it this seemed to be a routine exercise, however, it was not so simple. Each of the organs of the Authority has their own peculiarities, in particular their compositions and allocation of seats and their internal rules and decision-making procedures.

Once the organs of the Authority were established, it could then address its substantive mandate. The uniqueness of the Authority is also found in its mandate.

It is to organize and control activities in the Area, particularly with a view to administering the resources of the Area. This is important because article 137 of the Convention lays down that all rights in the resources of the Area are vested in mankind as a whole, on whose behalf the Authority shall act. There shall be no claim to sovereignty over any part of the Area and no State or entity shall claim, acquire or exercise rights with respect to minerals from the Area except through the Authority. It is worthy of note that in this context the title to the mineral resources of the Area remains vested in the Authority until they are actually recovered by the contractors.

The Authority is not only an administrative body, but also a legislative body. An essential task of the Authority is to adopt the mining regulations. In order to give effect to the regime set out in Part XI of the Convention and in the provisions of the 1994 Agreement, the basic norms and principles for the exploration and exploitation of the mineral resources of the deep seabed needed elaboration through additional rules and regulations. After extensive discussion of the draft regulations the Council recommended to the Assembly the adoption of regulations covering exploration for polymetallic nodules. The Assembly adopted these regulations on 13 July 2000.

This was a significant development for the Authority in that it enabled the former registered pioneer investors to be brought within the single regime established by the Convention and the 1994 Agreement and brought to a definitive end, the pioneer system under resolution II of the 3rd UN Conference of the Law of the Sea. The regulations also enabled the Authority to open the seabed to new applicants and provided the Authority with the mechanism to deal with all applications for plans of work for exploration.

Since 2000, there have been rapid developments, including the adoption of new regulations for exploration for polymetallic sulphides and cobalt crusts, as well as an increased number of applications for exploration by entities from developed and

developing States. The pace of activity has far exceeded the initial expectations of many.

Throughout its rule-making, the Authority reached out to the scientific community dealing with ocean research, including the marine environment, in order to obtain the best information and scientific advice for incorporation in its regulations.

Mr. President,

The next stage of the Authority's work must relate to the priority item of developing a regulatory regime for exploitation of deep seabed minerals. This should be done in a timely manner. I am aware that not everyone may be ready for exploitation or have a target date for exploitation, but this must not be allowed to become an impediment to progress. Others are clearly moving in the direction of exploitation and the development of an acceptable regime which gives certainty and clarifies the terms and conditions for exploitation should not be delayed. The credibility of the Authority depends very much on the confidence it generates among its members as well as among those who are willing to work with the Authority in the development of the common heritage resources.

The regulations of the Authority must be fair to the contractor as well as to the Authority which represents the interests of mankind as a whole. Mankind will only benefit if mining in fact takes place. The object of giving out contracts is to facilitate the development of the resources. It is not the function of the Authority to simply distribute sites to all applicants without a good faith effort by them to develop the resources, because this does not serve the interests of mankind.

Mr. President,

The Authority, that is, the Assembly, the Council, the Legal and Technical Commission, must continue to be objective and fair in their decision-making and where appropriate, they must use the best available scientific information. It is

essential that the Authority maintains its integrity and its reputation for objectivity and fairness.

Mr. President,

I would be remiss if I did not express my gratitude to the host country for its cooperation and support and for facilitating the establishment of the Authority and its operation here in Jamaica over the past twenty years.

As someone who nurtured the Authority at its birth and participated in laying the foundation for its future, I am very satisfied with the progress that the Authority has made in its first twenty years. It is performing the tasks for which it was established in an efficient and cost-effective manner. I am sure that it will continue on this good path. I wish the Authority, its members and staff all the best for the next twenty years.