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Keynote Address by Mr. Michael W. Lodge,

Secretary-General of the International Seabed Authority

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I wish to join other speakers in congratulating the University and the Centre on the publication of this volume of Satya's reflections on his contribution to the law of the sea.

I especially wish to congratulate Kristine for all her efforts in compiling and organizing the manuscript. Without her this book would not have been possible.

Those of us who knew Satya well and worked closely with him are very well aware of how challenging it could be to get him to commit words to paper. Whenever he was asked to write a statement or put something down on paper he would constantly prevaricate and get distracted by telling stories or going on intellectual diversions. So, because of this, working with Satya could be simultaneously frustrating, because of his insistence on rewriting every sentence over and over again, and enlightening, because of the insights it would give into his vast knowledge of the law of the sea.

He often said that the reason he considered himself a poor public speaker was that he would constantly be rewriting his speech in his mind as he read it out. Certainly, the writings and speeches of Satya that have the most resonance today are the ones that he completed often minutes before

the event was due to start, such as his statements at the conclusion of the Fish Stocks Conference, which he was still drafting when the meeting started, and the adoption of the 1994 Agreement.

There are certainly many lessons to be learned from this book about Satya's unique approach to negotiations and consensus-building, not least the way in which he would spend considerable time to identify precisely what were the areas of agreement and areas of disagreement between the parties before even beginning to propose any solution. He often advised me – 'don't put solutions on the table too early. You need to let everyone exhaust themselves before they will be ready to discuss an agreement. That is when you put text on the table to offer them a way out.'

Again, I would commend Kristine on having successfully captured his voice throughout the book.

In the short time available to me today, I want to highlight three characteristics of Satya that I think contributed to him being such a successful diplomat and negotiator and that certainly contributed to his success in achieving the implementing agreements of 1994 and 1995.

1. He strongly opposed unilateral action and believed in a multilateral approach to resolving problems through the rule of law. He frequently said – and restated in this book – that the greatest achievement of the Convention is that it has curtailed the exercise of omnipotent power over our ocean through the establishment of the rule of law. I agree with Satya that today this achievement is often underestimated or not sufficiently recognized. We must do everything we can to protect the integrity of the Convention.

2. He disliked ideology in all its forms. He described himself as a moderate on all issues and considered that extreme positions on either side were an impediment to consensus. The solution, for Satya, always lay somewhere in the middle. For this reason, in negotiations, he refused to use square brackets which, for him, reflected a zero-sum game where it was either 'my language or yours'. Instead, he would spend hours to try to find new language that would present a compromise that both sides could accept with honour and without relinquishing their initial ideological position. This would be a good lesson to remember today, where international negotiations are increasingly confronted with extreme ideological positions, including a growing

environmental absolutism and dogmatism – bordering on fanaticism in some cases. We should remember that things are rarely as bad as they appear and rarely as good as they appear. The aim should be to seek balance in all things, including a balance between conservation and sustainable use of resources.

3. He believed sincerely in the power of the Convention and its related implementation agreements to deliver sustainability and prosperity as long as they are applied robustly and fully operationalized. This was exemplified through his work in developing the regional convention for the fisheries of the Western Pacific between 1997-2000 and his work after his retirement from the International Seabed Authority in chairing the Western and Central Pacific Fisheries Commission. He deplored the fact that in too many cases, there was a lack of political will to implement internationally agreed frameworks. We see this too often today, where there is frequently a rush to respond to problems by legislating rather than rigorously implementing existing provisions. One reason both the two implementing agreements have been so successful is that they are highly practical and pragmatic documents.

I believe we would do well to remember these lessons, particularly in the context of the many challenges to the integrity of the Convention that we are confronted with today, even in international negotiations that threaten to undermine provisions in the Convention that were the product of years of debate. Before attacking the Convention for its defects, it is useful sometimes to stop and think and ask ourselves – where would we be without the Convention?

I hope that the younger generation of law of the sea experts would take the time to read this book and study the messages contained in it.
