



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

**Address by the Deputy Minister of Mineral Resources, Mr.
Godfrey Oliphant, at the Seminar on the work of the
International Seabed Authority, 17 March 2015, DIRCO,
Pretoria**

Mr Deputy Secretary-General,

Delegates from other SADC Member States and Missions

Seminar Presenters,

Ladies and Gentlemen,

Colleagues,

It is indeed an honour for me to welcome you all to South Africa and especially to this seminar for SADC Member States on the work of the International Seabed Authority. We are delighted to host this seminar in partnership with the Authority.

South Africa is privileged to play a part in assisting the Authority in its outreach and informing relevant stakeholders of its crucial mandate and important work in strengthening the multilateral processes for the governance of the world's oceans. We are delighted to welcome participants from a wide range of disciplines and institutions, with a healthy balance of government officials, industry and civil society.

Mr Deputy Secretary-General, we sincerely appreciate your work, the work of the Secretary-General and of the staff of the Authority to make this seminar a reality for all of us here today. We were disappointed to hear that the Secretary-General will not be able to join us, due to ill health. We know that he has worked hard to realise this significant event, and looked forward very much to visit South Africa. We wish him a full and speedy recovery.

As we celebrate South Africa's 20 Years of Freedom, this seminar also allows us to celebrate the 20 years of diligent and creative work of the Authority, since its official inauguration on 16 November 1994, to enable its Member States to regulate mineral

exploration and exploitation of the international deep seabed (“the Area”) and conducting and promoting relevant marine research.

The importance of this seminar is highlighted by the following quote from the UN Secretary-General, His Excellency Ban Ki-Moon, during the 20th Anniversary of the establishment of the Authority: *“..... the concept of the common heritage of mankind, represented by the seabed, ocean floor and its subsoil, beyond the limits of national jurisdiction, was a major innovation in international law. It replaced uncertainties concerning the future of the seabed with a regime of shared benefits and responsibilities for all States, including land-locked ones. Today, at a time when ocean-based economic development is at the top of many Governments’ agendas, we understand better than ever the far-reaching implications as well as the benefits of the regime contained in the United Nations Convention on the Law of the Sea (UNCLOS).”*

Recognizing the economic and technological imbalance between developed and developing countries, UNCLOS, and especially its Part XI, places emphasis on the equitable sharing of benefits derived from the minerals of the Area.

As you may recall, in promulgating UN General Assembly Resolution 2749 of 1970, on the “Declaration of Principles Governing the Seabed and Ocean Floor”, States recognized that the deep seabed beyond national jurisdiction should be preserved for peaceful purposes and is the Common Heritage of Mankind (CHM). This customary norm is restated in Articles 136 and 137 of the UNCLOS. There are certain core components of the CHM principle which are recognized in customary international law:

No State may validly subject any part of the CHM to its sovereignty.

- The CHM shall be preserved for peaceful purposes, and for the benefit of future generations.

- As such, the management of the CHM is a collective responsibility which must be for the benefit of all nations.

The CHM principle therefore provides for conservation and environmental protection as well as exploitation linked to benefit-sharing (monetary and non-monetary).

The sharing of information and scientific data as well as the transfer of knowledge through, inter alia, training programmes and other capacity building measures as provided for in articles 242 and 244 of UNCLOS are a form of benefit-sharing. The regime governing the outer-continental shelf may also assist in defining possible options for a benefit-sharing regime linked to produce development of scientific research based on sampling activities in the Areas Beyond National Jurisdiction.

Throughout the 20 years of its existence, the Member States of the Authority have, as a collective, gained significant scientific and technological insight into the value of the seas and oceans and their resources to our existence and well-being. The deep sea has always fascinated humankind as the most remote and enigmatic habitat on earth. Much of the seafloor and its habitats remain unexplored and unmapped. Understanding the functioning and role of the deep ocean as a crucial part of our natural habitat in the past, present and future is imperative for our society. We look forward to hearing from some of our presenters about the results and application of the latest research on the remote bio-, hydro- and geospheres that are so important for life on Earth.

About 90% of all known species live in the oceans and seas, but within this environment the seabed contains the highest biodiversity on the planet with about 98% of all marine species. Many of these species are highly specialised, some are very long lived, and we are not yet at the point where we understand all of these ecosystems in detail. These areas are now under varying degrees of pressure due to bottom trawling, hydrocarbon extraction, deep-sea mining and bioprospecting.

The international deep seabed area consists of around 260 million square kilometres, compared to approximately 85 million square kilometres comprising exclusive economic zones). With under 0,5 % of international ocean areas fully protected at present, despite the Aichi Target 11 of 2010 (under the Convention on Biodiversity for 10% of marine biodiversity to be protected by 2020, the Authority fulfils a crucial role in international oceans governance and marine conservation through its work to establish international rules, regulations and procedures to prevent, reduce and control pollution of the marine environment from activities in the deep seabed area.

A move towards more sustained economic growth using the deep seabed requires the expansion and integration of marine research across borders and among all stakeholders. Sharing of knowledge, pooling of existing research and new technology development are essential for developing, strengthening and implementing deep-sea research. We hope that this seminar will be an important contribution in achieving this objective, and ultimately to assist us in maintaining a balance between environmental protection and sustainable use of ocean resources.

The marine environment is particularly important to Africa and its people. As the second biggest continent, Africa's total length of coastline, including its islands, is over 26 000 nautical miles. Thirty-eight (38) African countries are either coastal or island states. The development agenda of the African Union (AU) promotes, among other things, human capital development and an improved standard of living. It is inclusive and based on a human-centred approach to development where all social groups are engaged. The agenda sees an Africa using its own resources to take its rightful place in a multi-polar, inter-reliant and more equitable world.

African countries therefore need to take up their rightful place, not only in the work of the Authority, but also in sharing the potential benefits of mineral exploitation in the

international seabed, as well as in relevant marine research projects and results. It is also important to be fully aware of the opportunities for capacity building and technology transfer provided by contractors as part of their obligations for mineral exploration in the international deep seabed, as well as by the Authority's Endowment Fund for Marine Scientific Research.

The expiry of the first pioneer exploration licences in early 2016 makes the development of the proposed Mining Code particularly urgent. Expiry of these licences may mark the start of actual deep seabed mining, which has the potential to cause real and irreversible damage to the marine environment. In this regard, the Authority has a crucial role to play to ensure a precautionary approach and full adherence to all the relevant provisions under UNCLOS by all role players.

However, the world demand for minerals continues to increase and some terrestrial resources are becoming depleted. In addition, deep seabed resources often contain a higher concentration of valuable minerals than their terrestrial alternatives. Furthermore, many of the metals contained in seabed deposits are considered "technology metals" and are increasingly required by high-technology industries, including electronics and clean technologies, such as hybrid cars and wind turbines and, as opposed to the generally well-studied deposits on the land, many of the resources at the bottom of the sea are yet to be discovered.

In closing, this seminar presents us with the opportunity to deliberate and make recommendations on the following issues, among other:

- Ways and means for the countries of the SADC region and the various stakeholders to become more involved in the work of the International Seabed

Authority in regulating deep seabed mineral exploration and exploitation; and promoting and conducting marine scientific research;

- Opportunities and challenges for policy makers, civil society and the mining industry in the exploration and exploitation of deep seabed mineral resources;
- Opportunities for collaborative research in deep seabed environmental and mineral resources aspects, including capacity building, technology transfer and training provided to nationals from our respective countries, also through the Authority's Endowment Fund; and
- Contributions from the work of the Authority and its Member States to the protecting and preservation of the marine environment in the international seabed and to oceans governance in general.

I wish you all fruitful deliberations; and to our international visitors - feel free to stay on a few more days and enjoy what South Africa has to offer.

Thank you