ISA ASSEMBLY HOLDS SPECIAL SESSION TO COMMEMORATE LOS CONVENTION SIGNING

Speeches, presentations celebrate 30 years of United Nations Convention on the Law of the Sea

Thirty years ago, in Montego Bay, the 1982 United Nations Convention on the Law of the Sea (UNCLOS) opened for signature. Today, in Kingston, the Assembly of the International Seabed Authority met in a special session to commemorate that milestone event, and pay tribute to those who worked for the successful adoption of UNCLOS.

The Authority is in the second week of its eighteenth session which ends 27 July. The agenda for the Special Session was covered in two parts - morning, and afternoon.

Opening the morning session, President of the Assembly Mr. Milan J. N. Meetarbhyan (Mauritius), said the landmark Convention allowed the world to celebrate a treaty addressing the concept of the common heritage of mankind, and the establishment of its appurtenant legal regime and implementing agency. He described Article 136 of the Convention as “one of the landmarks of legal drafting of international instruments by virtue of its simplicity, yet unambiguous affirmation of a commitment to international cooperation and equity”.

Article 136 states:

“The Area and its resources are the common heritage of mankind.” The Area is defined as the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction. The Assembly President said “in one simple, short sentence” the international community had changed forever the governance of the oceans.

Prime Minister of host country Jamaica, the Most Honourable Portia Simpson Miller, said the thirtieth anniversary commemoration held special significance for her government and people who are celebrating fifty years of nationhood this year. “We are humbled by the fact that - more -
just over a decade after gaining Independence, Jamaica was able to play an active role in helping to craft this landmark legislation”, the prime minister said.

Mrs. Simpson Miller highlighted some contributions of the Convention to global political and economic development such as improved international maritime law and the avoidance of disputes, and scientific research. She said the emphasis on the protection and preservation of the marine environment and its resources is of major importance to Jamaica and the Caribbean which rely on the ocean’s resources for tourism, fishing and transportation.

In his address, Secretary-General Nii Allotey Odunton (Ghana) reflected on the Authority’s significant achievements since it was launched thirty years ago on 10 December 1982. He recalled the skepticism deep sea mining attracted during its infancy in the 1960s and the years of negotiations it took before the Authority was established on 16 November 1994 with headquarters in Kingston, Jamaica.

The Secretary-General said the Authority has endured teething pains and “evolved into a substantive organization with the current 162 Parties to the Convention.” He noted that ISA has adopted two sets of Regulations on Prospecting and Exploration for polymetallic nodules (in 2000) and for polymetallic sulphides (in 2010) in the Area, and is on the verge of adopting a third set of regulations on cobalt-rich ferromanganese crusts.

In a message delivered on behalf of H.E. Ban Ki-Moon, Secretary-General of the United Nations, Serguei Tarassenko, director of the United Nations’ Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs/Office of Legal Affairs (DOALAS/OLA), emphasized the significance of the relationship between that organization and the Authority.

He said one of the main functions of DOALAS/OLA is “to ensure that the international community users of the oceans and seas know the limits of the maritime zones in which a coastal State exercises its sovereignty or sovereign rights and jurisdiction, in view of the different legal regimes applicable.” Mr. Tarassenko noted the hosting of key meetings related to the Authority at the UN in 2012, as evidence of his office’s commitment to deep sea mining activities.

Judge Jose Luis Jesus (Cape Verde), chairman of the Preparatory Commission for the Authority, also reflected on the early days of the Authority and the “anguishes” he witnessed among pioneer delegates. He spoke with pride about the Authority’s current standing. “Many have written about the Convention and its importance in regulating the relations amongst States on matters related to the uses of the seas and their resources. Some have even qualified it as the most important chapter modern treaty after the UN Charter.”

Former Secretary-General Satya Nandan (Fiji) described the implementation of Part XI of the Convention as the single most important development in relation to the Convention since its adoption in 1982. He added: “Its importance cannot be overstated. It opened the door for the participation in the Convention for those who would not otherwise join the Convention. Without this agreement the Convention would not receive the broad support in the international community that it has achieved.”
Ambassador C.W. Pinto (Sri Lanka), who chaired the Working Group on principles of the seabed regime and conditions for exploration and exploitation in the Area (1975), reminded members of the Authority’s gargantuan task, which he says is summarized in Article 153 of the Convention:

**Article 153 states, in part (paragraph 1 or 6 paragraphs):**

“Activities in the Area shall be organized, carried out and controlled by the Authority on behalf of mankind as a whole in accordance with this article as well as other relevant provisions of this Part and the relevant Annexes, and the rules, regulations and procedures of the Authority.”

Ambassador Pinto stressed that the Authority’s goals are far from complete. “The Authority has yet more important responsibilities that include carrying out as well as promoting scientific knowledge relating to activities in the Area and transfer of that knowledge so as to benefit States Parties, in particular the developing States,” Ambassador Pinto said.

In his presentation, Jean-Pierre Lévy, former secretary of the First Committee of the 1982 United Nations Convention on the Law of the Sea, delved into one of the little known aspects of the history of the Authority. He explained how procedural innovations which were developed at the time of the Conference had had a lasting impact on diplomatic relations. The principle of consensus, for example, was a novel concept at that time, and was formally defined as “the absence of formal objections.” Another pioneering concept essential for the success of the conference was the “package deal”: the understanding that no part of a proposal or document could be definitive unless agreement could be reached on the entire proposal.

Mr. Lévy also spoke of how the Conference and the Convention had impacted government structures of many countries, which had established department and ministries designated to deal with ocean affairs. He called attention to the many specialized interest groups, such as land-locked states or states with special economic interests, formed sometimes in unofficial meetings “on the margins of the Conference” which brought together countries from different regions and in different states of economic development, working towards the same goal. It was this notion of pragmatism, he added, which was characteristic of the Conference and which had influenced the negotiation process of diplomatic procedures today.

**Regional Groups’ statements**

Speaking on behalf of the Group of Latin American and Caribbean States, the representative of Brazil reaffirmed the commitment of his regional group to the legal regime created by the international community, through which the world’s oceans could be strengthened as “an area of peace, development, cooperation and friendly relations among all nations…” He noted that of the 119 States which signed the Convention on the first day it was opened for signature, 22 were countries of Latin America and the Caribbean. The speaker added that as the Authority celebrates the thirtieth anniversary of the Convention, good progress had been made towards the day when commercial mining activities could commence in the international seabed.
Namibia spoke as the representative of the African Group. The speaker said that the Convention was considered “one of the most comprehensive legal instruments ever negotiated under the auspices of the United Nations.” It has stood the test of time and serves as the primary legal framework through which all mankind can share in the development of the world’s largest resource – the ocean which covers more than two-thirds of the earth’s surface. He said the Group also welcomed the General Assembly’s resolution to devote two days of plenary to commemorate the signature of the Convention. He concluded by affirming the African States Parties “renewed commitment to fully implement the Convention in good faith and in a responsible manner.”

The representative of China, in a statement on behalf of the Asian Group, said that the three major entities set up under the Convention had earned international recognition and that the Authority’s highly productive work has increased the vigor of international seabed affairs and added impetus to the transformation of the principle of “the common heritage of mankind” from concept to reality.

The speaker paid tribute to those whose contributions brought the Convention into being, referring to the late Ambassador Arvid Pardo of Malta and his “epoch-making concept” of the common heritage of mankind; Ambassador Hamilton Shirley Amerasinghe of Sri Lanka, President of the first nine sessions of the Third UN Conference on the Law of the Sea; Ambassador Tommy Koh of Singapore who succeeded Ambassador Amerasinghe and finally brought the Convention to fruition; His Excellency Satya N. Nandan from Fiji, the first Secretary-General of the Authority, Judge Jose Louis Jesus from Cape Verde, former chairman of the PrepCom for ISA and the International Tribunal for the Law of the Sea, and His Excellency Ambassador Christopher W. Pinto from Sri Lanka.

The Russian Federation, which represents the Eastern European States, praised the Authority for its “fair and equitable” policy relating to exploitation. He said the organization has provided a level playing field for developed countries and smaller states since its inception.

Representing the Western European and Other States (WEOG), Germany said the Authority was the “radiant result of a herculean joint effort undertaken by the international community to conceive a universal legal order for our Oceans.” The member noted that the Authority has added a different dimension to international dialogue. “The Convention also introduces new ideas, among them the notion of the 200-nautical mile Exclusive Economic Zone, and the provisions regarding the legal status of waters forming straits used for international navigation.”

Ambassador Raymond Wolfe (Jamaica) said the presence of the country’s prime minister and foreign affairs minister at the Special Session showed its “abiding commitment” to the Authority.

“For CARICOM member states, the protection and preservation of the marine environment, including the areas beyond national jurisdiction, remains an issue of fundamental importance towards the attainment of sustainable development of our economies,” the Ambassador continued.
Caitlyn Antrim, Executive Director, Rule of Law Committee for the Oceans former US Deputy Representative to UNCLOS, said the Authority has distinguished itself in four areas: process, personal leadership, products and potential. She added that while the Authority has much to be proud of, it is vital for the organization to break new ground in the immediate future. “In the near term, we can foresee a return to increasing demand for industrial metals in the most developed of the developing countries. This increased demand will impel activities in the Area to move from exploration of mineral resources to their exploitation, perhaps within the decade. We must consider the potential impact of not just one but many such operations on both the marine environment and the world economy. We will need to act to ensure that all nations, particularly the least developed, share in the benefits of the exploitation of the Area.”

**Film presentation**

Volcanoes of the Deepsea, a film by Peter Rona, Professor of Marine Geology and Geophysics, Institute of Marine and Coastal Science, Rutgers University, was a feature of the afternoon session.

The film illuminates clearly a part of the deep ocean referred to in the Convention as the Area. It is set on the ocean ridge system, a volcanic mountain range submerged at water depths of 2 kilometers (1 mile) to 5 kilometers (2.5 miles) that extends through all the ocean basins of the world as the largest geographic feature on Earth. Volcanic activity along the axis of the ocean ridge creates new seafloor in the process and produces hot springs that support biodiversity.

The film suggests that the best way to avoid destroying biodiversity of microbes and larger animals at hydrothermal vents is to limit any potential mining to older polycrystalline sulfide deposits that are no longer active.

Regular meetings of the Authority’s eighteenth session resume tomorrow when the Assembly meets to hear the report of the Secretary-General Mr. Nii Odunton (Ghana).