INTERNATIONAL SEABED AUTHORITY MARKS TWENTIETH ANNIVERSARY;
HEARS PRIME MINISTER OF JAMAICA,
A MESSAGE FROM UN SECRETARY-GENERAL AND STATEMENTS BY CURRENT
AND FIRST SECRETARY-GENERAL OF THE AUTHORITY, AND OTHERS

The Assembly of the International Seabed Authority today held a day-long special session to commemorate the organisation’s twentieth anniversary with United Nations Secretary-General Ban Ki-moon, noting in a message, that the ongoing development by the Authority of a comprehensive set of rules governing seabed mining would go a long way towards helping States derive tangible benefits from the deep seabed Area.

At the start of the meeting, the Assembly elected Russian Federation as a vice-president, nominated by the Eastern European Group, to complete the slate of vice presidents that includes China, for the Asian Group and France and Nigeria representing the Western European and Others and the African Groups, respectively.

In his opening address president of the Assembly, Antonio Francisco Da Costa e Silva Neto (Brazil), pointed to the historic importance of the special session describing it as “a momentous occasion” for the Authority and the world, a theme that resounded in speeches throughout the day-long celebration. In welcoming the Prime Minister of Jamaica to the event the President underscored the host country’s contribution to the work of the Authority.

Describing the Authority as “a radical establishment that is vital today as it was 20 years ago”, the Prime Minister of host country Jamaica, The Most Honourable Portia Simpson Miller, said there were some critical issues that the Authority must continue to address. Among them were the management and governance of mineral resources of the deep seabed, the sharing of those resources, sustainability of fisheries, and the development of new mining techniques to protect the marine environment.

The Authority’s Secretary-General, Nii Allotey Odunton (Ghana), said there was urgent need for rationalization of data related to marine mineral resources. The Authority also needed more baseline environmental data, including the use of standardize taxonomies, for lesser known
deposits, fauna, and species of which very little was known. It would be important at the mining stage to have reference to data, nomenclature, and taxonomy references for the deposits.

Tommy Koh, Ambassador-at-Large, Singapore Ministry of Foreign Affairs, in a keynote speech, said the visibility of the Authority must be raised to inform the world about its important mission. The Authority should enhance its outreach programme, and also encourage the leading law schools of the world to teach a module on Part XI of the Convention covering seabed mining provisions.

Satya N. Nandan, the Authority’s first Secretary-General (1996-2008), said 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. That should be done in a timely manner. The credibility of the Authority depended very much on the confidence it generated among its members as well as among those willing to work with it in the development of the common heritage resources.

Statements were also made by Judge José Luis Jesus, member of the International Tribunal for the Law of the Sea, and former Chairman of the Preparatory Commission for the International Seabed Authority (1987-1994); Hasjim Djalal, first President of the Assembly of the Authority (1996); Judge Vladimir Golitsyn, President of the Disputes Chamber (on behalf of the President of the Tribunal); and Chairpersons of the five regional groups. Some individual delegations and Observers spoke.

This year also marks the twentieth anniversary of the entry into force of the United Nations Convention on the Law of the Sea on 16 November 1994. Guyana deposited the sixtieth instrument of ratification to make that possible. The Convention was opened for signature on 10 December 1982 at Montego Bay, Jamaica. Today’s commemoration was brought forward to coincide with the twentieth annual session of the Authority.

The 166-member Authority is responsible for all mineral-related activities in the deep seabed Area beyond national jurisdiction. Its main tasks include administering the mineral resources of the Area, the promotion and encouragement of marine scientific research in the deep seabed area, and ensuring the effective protection of the marine environment.

**Statements**

The Authority’s Secretary-General Nii Allotey Odunton (Ghana) said there was urgent need for rationalization of data related to marine mineral resources. The Authority needed more baseline environmental data, including the use of standardize taxonomies, for lesser known deposits, fauna, and species of which very little was known. Mr. Odunton said it would be important at the mining stage to have reference to data, nomenclature, and taxonomy references for the deposits.

Noting that the Authority also needed to focus on the standardization of technologies for the extraction of nodules, the Secretary-General reminded the Assembly of the importance of the Legal and Technical Commission, the expert body entrusted with assessing the environmental
impact of activities in the deep seabed Area and advising the Authority on all matters relating to exploration and exploitation of non-living marine resources.

Mr. Odunton said he never imagined that the Authority would have signed 26 contracts for exploration within the first twenty years of its existence. Expressing his appreciation to the government and people of the host country for their hospitality and assistance, he said he looked forward to the Authority being in Jamaica when actual mining began.

The Most Honourable Portia Simpson Miller, Prime Minister of Jamaica, describing the Authority as “a radical establishment that is vital today as it was 20 years ago”, said there were some critical issues that the organization must continue to address. Among them were the management and governance of mineral resources of the deep seabed, the sharing of those resources, sustainability of fisheries, and the development of new mining techniques to protect the marine environment.

The Prime Minister commended the Secretary-General, his staff, and member States of the Authority for the strong focus on environmental protection and conservation of the living non-renewable resources in the Area. She said that a healthy International Seabed Authority “is necessary and especially important for island states such as ours in the Caribbean which depend on the quality of the natural environment and derive much of their economic growth from the use of natural resources”.

Mrs. Simpson Miller described the work of the Authority over the next few years as critical to the support of the region and small island States’ development objectives. She called on the Authority to remain a strong and unified voice in the wider universe through the promotion of diplomacy at sea, investment in training, and capacity building to open doors to development opportunities.

Ban Ki-moon, Secretary-General of the United Nations, in a message, said the concept of the “common heritage of mankind” represented by the seabed, ocean floor and subsoil, beyond the limits of national jurisdiction (the Area) 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.

He said the ongoing development by the Authority of a comprehensive set of rules governing seabed mining would go a long way towards helping States to derive tangible benefits from the Area. He urged member States to recommit themselves to implementing the United Nations Convention on the Law of the Sea and in participating in the Authority’s work. The U.N. Secretary-General’s message was delivered by Stephen Mathias, Assistant Secretary-General for Legal Affairs.

Tommy Koh, Ambassador-at-Large, Singapore Ministry of Foreign Affairs, in a keynote speech, said the visibility of the Authority must be raised to inform the world about its important mission. The Authority should enhance its outreach programme, and also encourage the leading law schools of the world to teach a module on Part XI of the Convention covering seabed mining provisions.
Mr. Koh said that when financial resources become available, the Authority should proceed to build the International Seabed Authority Museum to showcase the results of research on and new discoveries of the flora, fauna and mineral resources of the last frontier, which covered an area of 160 million square kilometres. Looking to the future, he said the Authority must begin to formulate the rules, regulations and procedures applicable to exploitation contracts. The Authority must encourage those engaged in exploration to proceed to the next stage of exploitation.

Satya N. Nandan, the Authority’s first Secretary-General (1996-2008), said 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. That should be done in a timely manner. The credibility of the Authority depended very much on the confidence it generated among its members as well as among those willing to work with it in the development of the common heritage resources.

The Authority’s regulations must be fair to the contractor as well as to the Authority which represented the interests of mankind as a whole. Mankind would only benefit if mining in fact took place. It was 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 that did not serve the interests of mankind.

He said the Authority’s Assembly, Council and Legal and Technical Commission should continue to be objective and fair in their decision-making and where appropriate, use the best available scientific information.

Judge José Luis Jesus, member of the International Tribunal for the Law of the Sea, and Chairman of the Preparatory Commission for the International Seabed Authority, (1987-1994) said that by putting in place the necessary instruments and steadily developing the regulatory framework on which the seabed activities might take place, the Authority had brought member States closer to the exploitation phase. That was a major achievement of its work over the last twenty years. To be able to carry on and bring its work to a point where the possibilities of commercial exploitation of seabed resources could be seen was a good cause to celebrate the Authority’s twenty years.

He said the Authority’s success was necessarily the success of the Convention whose strength could be measured through the operation of the institutional framework it established. The three institutions the Convention created – the International Seabed Authority, the International Tribunal and the Commission on the Limits of the Continental Shelf - were operating fully. Their activities were very important and in some cases indispensable to States, he added.

Prof. Hasjim Djalal, first President of the International Seabed Authority (1996), traced the history of the search for seabed mineral resources from as early as 1918 when oil resources were exploited by American interests in the Gulf of Mexico. He referred to the Truman Declaration of 1945, through which the United States claimed the right to control the resources of its continental shelf.
That was a milestone in the development of the law of the sea, Prof. Djalal said, as other States began to follow suit, although there was as yet no legal definition of the meaning of the term “continental shelf”. A legal definition was adopted by the Geneva Convention in 1958, but it was Ambassador Arvid Pardo of Malta at the United Nations General Assembly in 1967 who first raised the question of who owned the mineral resources of the deep seabed and what rules should govern their exploitation.

In 1970, the United Nations General Assembly adopted a resolution that designated the resources as “the common heritage of mankind” and called for the establishment of an international authority as the steward of that heritage, leading to the adoption of the United Nations Convention on the Law of the Sea in 1982. He hoped that someday the United States and other non-ratifiers would see the benefits of ratifying the Convention “rather than staying away out if it”.

Judge Vladimir Golitsyn, President of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea, bringing greetings on behalf of the President of the Tribunal, Judge Shunji Yanai, spoke of the relationship of “fruitful cooperation” between the Authority and the Chamber.

Outlining the mandate of his organization, Judge Golitsyn explained that the Tribunal had jurisdiction over contentious cases, both between States Parties concerning the interpretation or application of the Convention’s regime for the deep seabed, and between a State Party and the Authority. With regard to the advisory jurisdiction of the Tribunal, the rationale was that in carrying out its functions in accordance with the Convention, the Authority might “require assistance of an independent and impartial judicial body.

The judge announced that a joint regional workshop was being planned to take place in Ghana later this year to disseminate information on the work of both the Authority and the Tribunal to government officials from the region of West Africa.

Regional Groups’ Statements

Nigeria said the African Group welcomed efforts and initiatives that would facilitate the development of the Mining Code for contractors ready and willing to move to the next stage of exploitation. The group called on contractors to carry out their obligations with utmost dedication and make available all necessary information and data to assist the work of the Authority. Nigeria said the group recognized the quality leadership provided by Secretary-General Nii Allotey Odunton who, he described as “a distinguished African and pride of the continent”.

Speaking on behalf of the Asian and Pacific States, Fiji paid homage to Ambassador Arvid Pardo of Malta and other forefathers of the Authority. The representative spoke of the responsibility of the Authority to manage the natural resources of the Area while preserving the marine environment.

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Russian Federation Foreign Minister Sergey Lavrov, in a message to the Authority’s Secretary-General on the occasion, said the Authority had gained “a firm hold as a reputable international organization” that effectively ensured the implementation of the United Nations Convention on the Law of the Sea with the purpose of managing the deep seabed Area and its resources that formed the common heritage of mankind.

The Russian Federation, as one of the main contractors, highly valued the work done by the Authority in organizing and controlling activities in the Area. Russia attached special importance to the efforts to elaborate and improve the legal basis of cooperation for the development of the Area’s resources and rules for searching and prospecting. It was important that account was taken of the interests and needs of developing and least developed States, as well as applicable standards in the sphere of ecological safety and protection of the marine environment. He assured the Secretary-General of Russia’s “firm intention” to be actively involved in the work of the Authority. The message was read by the representative of Russian Federation who is Chair of the Eastern European Group.

Speaking on behalf of the Latin American and Caribbean Group, Mexico said that the best way to honour the work of those who were instrumental in establishing the Authority would be to reaffirm the commitment of its members to undertake the new challenges ahead. The representative added that mechanisms were needed to evaluate and manage the environmental impact of mining operations as well as financial rules related to the benefits of exploitation. He noted the importance of taking into account the needs of developing countries.

Mexico also noted with satisfaction at the increase in the number of permanent representatives to the Authority, most of which were members of the Group.

Speaking on behalf of the Western European and Others Group, the representative of Germany noted that the Convention was the radiant result of the great effort undertaken by the international community to conceive a universal legal framework for the oceans. He stated that this “Constitution of the Oceans, in the face of the challenges inherent in its activities, had proven both efficient and flexible.

Furthermore, he pointed to the commitment of members of the Western European and Others Group to the Authority, reflected in the fact that seven of the exploration contracts approved had been sponsored by member States of this group, adding that they had also implemented cooperation projects with international partners and particularly developing States.

He added that this period marking the end of the first exploration contracts and the progress towards the exploitation phase brought new challenges that Western European and Others Group was ready to take on along with the Authority.

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Afternoon meeting

On the resumption of the session following the lunch break, delegates were treated to a musical presentation by a youth group Collegium Musicum Jamaica. Mr. Mumba Kapumpa, Ambassador of Zambia to South Korea, was the first speaker after the break. He traced the birth and early development of the Authority noting the spirit of compromise and the Corporation that permeated. He said land-locked states compromised on almost every issue. “Everything we did was by way of compromise”, he told the Assembly. Mr. Kapumpa said the United Nations Convention on the Law of the Sea was intended to provide “a calmness of the oceans” following conflict in deliberations between States over issues of the deep seabed. Celebrating the Authority’s achievements twenty years later, he confirmed the seas “are calmer.”

Describing the special session as a ceremonial handing over by the pioneers to those who have come after 1994, Mr. Kapumpa praised the Secretary-General for his ability to calm situations and for always being available to assist delegations to arrive at consensus.

Baïdy Diène who served as President of the Authority (2014) was a member of the Legal and Technical Commission (2002-2011) said he was privileged to witness the conception, birth and evolution of the Authority. He recognized the work of those who pioneered the creation of the Authority saying they faced many problems but had found solutions through consensus to advance the work of the organisation. Mr. Diène also praised the “enlightened leadership” of the two Secretary-Generals, (Satya N. Nandan (1996-2008) and Nii Allotey Odunton, the current Secretary-General). Like other delegations he emphasised the importance of training to benefit developing States especially and hoped that, with twenty-six contractors training would flourish.

Speaking on behalf of the Pacific Small Island Developing States (PSIDS), Tonga described the close relationship between the oceans and the lives and livelihoods of the peoples of the Pacific Islands. He suggested that this was one of the reasons that all PSIDS were parties of the Convention and had committed themselves to its principles. The representative said that the state of the marine environment was deteriorating rapidly, so the twentieth anniversary of Authority was a good opportunity to recommit to the preservation and equitable utilization of marine resources.

The representative of Mexico spoke of the important role played by the oceans in human life, saying that States had an undeniable responsibility to protect them for future generations. He commended the Authority for its efforts to forge a strong relationship between developed and developing nations with regard to marine scientific research and resource exploration in the Area.

Trinidad and Tobago said that in elaborating regulations for the exploitation of deep seabed minerals, member States must insist on the formulation of “robust provisions to safeguard the marine environment.” It added that the Authority must make progress in developing environmental management plans to govern activities in the Area, particularly for those zones for which exploration contracts were in force.

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The Authority also had a role to play, the Trinidad and Tobago representative noted, in shaping the implementation agreement being considered under the aegis of the UN General Assembly, relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. He added that as a matter of priority, the Legal and Technical Commission should be mandated to begin working on policies to give effect to Article 82 of the Convention, which he characterized as dormant. (Article 82 requires States parties to make payment or contributions in respect of the resource of the continental shelf beyond 200 nautical miles).

Indonesia noted that it had been involved with the Authority since Ambassador Hasjim Djalal was appointed as the first President of the Assembly. The representative said his country would continue to support the work of the Authority which, he said, was making good progress in the right direction.

South Africa said that the principle of the common heritage of mankind was about “solidarity in the preservation and conservation of a good” to be shared by all for the benefit of all. It added that in moving toward the exploitation phase it was important to establish a fiscal framework for mining that was fair to industry, investors, member States and all mankind.

Bangladesh, speaking for the first time in the Assembly, pointed out that it was among the 119 member States who became signatories to the Convention on the first day it was opened for signature. The representative took the opportunity to inform the Assembly that the dispute concerning delimitation of the maritime boundary between Bangladesh, India and Myanmar in the Bay of Bengal had been settled by the International Tribunal for the Law of the Sea (ITLOS).

He said the ruling represented a victory for all three countries by peacefully resolving an issue that had hampered their economic development for over three decades.

The representative of Fiji noted that when his country ratified the Convention in 1982, it was seen as a just and equitable governance system for the world’s oceans. There had been no cause for disappointment, he said, adding that the Convention had become embedded in the affairs of nations and continued to serve as a guide in other areas of law.

The representative of Cuba said her delegation saw the Authority as an essential instrument for maintaining and strengthening peace, order and sustainable development in oceans and seas. Cuba had in the last twenty years made huge efforts to implement national strategies for sustainable development and the protection of the marine environment. Cuba reiterated the importance of strengthening international cooperation in the management of marine resources and the care of the oceans and their biodiversity, duly respecting the jurisdiction of States over their territorial sea and the management of resources in their exclusive economic zone and continental shelf.

India referred to the Convention as an instrument containing several revolutionary elements. It confirmed its commitment to facilitating training for participants from developing countries, and spoke of a workshop to be held in India later this year to assist contractors to prepare estimates of mineable sites within exploration areas.

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The Philippines described the Convention as playing a key role in ensuring global peace and cooperation. Panama renewed its commitment to the Authority, which it described as the product of one of the most important and far-reaching instruments in international law, namely the Convention. St Kitts and Nevis commended the Authority for its commitment to preserve the world’s rich marine heritage. In the final intervention from a member state, Jamaica committed to continue to fulfil its obligations as host country in spite of limited resources.

The representative of Senegal said that his country and six others were working on a joint submission to be made to the Commission on the Limits of the Continental Shelf (CLCS) for an extension of the continental shelf. He expressed appreciation to the Government of Norway for its assistance in beginning the submission process, adding that the deposit of the joint request would be an example of regional as well as north-south cooperation.

Guyana informed the Assembly that on 6 September 2011, her country had made a submission for an extended continental shelf in accordance with Article 76, paragraph 8, of the Convention. The country was still awaiting a ruling on the matter.

Brazil stated that it had sponsored an application for approval of a plan of work for exploration for cobalt-rich ferromanganese crusts, which showed its commitment to the growth and consolidation of the Authority.

Four observers also spoke at the session. They are Greenpeace International, World Wildlife Fund International, International Union for the Conservation of Nature and Natural Resources, and Deep Sea Conservation Coalition. The organisations highlighted the impact of climate change on the oceans and the importance of transparency in the Authority’s operations.

The Assembly meets tomorrow, 23 July, morning to consider the annual report of the Secretary-General of the Authority. Before that meeting the Authority’s Council will convene briefly to adopt a draft decision relating to the summary report of the Chair of the Legal and Technical Commission.

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