

**International Seabed Authority**  
**29<sup>th</sup> session - Assembly**  
**Agenda item 8: Annual Report of the Secretary-General**  
**Tuesday, 30 July 2024**

**GREECE**

**Statement delivered by Dr Anastasia Strati, Expert Minister Counsellor,  
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*Mr. President,  
Mr. Secretary-General,  
Excellencies,  
Distinguished delegates*

Let me start, Ambassador, by expressing our gratitude for leading our work. I would also like to thank our host country, Jamaica, for their warm hospitality.

*Mr. President,*

This year we commemorate the thirtieth anniversary of the entry into force of the 1982 UN Convention on the Law of the Sea (UNCLOS) and the establishment of the Authority, a key component of the global system of ocean governance. The Convention, which sets out the legal framework within which all activities in the oceans and seas must be carried out, has been described by the President of the Third United Nations Conference on the Law of the Sea, Ambassador T.B. Koh, as a “Constitution for the Oceans” which would stand the test of time. Indeed, the drafters of the Convention did not only succeed in adopting a comprehensive treaty dealing with almost every aspect of the oceans, but also a treaty **capable of adapting** to new realities and challenges. As pointed out by the International Tribunal on the Law of the Sea (ITLOS) in its recent *Advisory Opinion on Climate Change and International Law* (Case No. 31, 21 May 2024), the Law of the Sea Convention is a “living instrument”.

**There are no legal gaps in UNCLOS** - the Convention deals with each jurisdictional zone separately and in addition to the provisions regulating specific activities, there are residual regimes. Activities which are not specifically regulated by the Convention are not carried out in a *legal vacuum*; on the contrary, they are governed by residual rules and general principles. In some cases, general principles may be inadequate to deal with new realities, so new rules must be developed – these rules may take the form of an UNCLOS Implementing Agreement, as is the case with the recently adopted 2023 BBNJ Agreement (“Agreement under the UN Convention on the Law of the Sea on the conservation and sustainable use of marine biological biodiversity of areas beyond national jurisdiction”).

We do not, therefore, share the view that any delay in the adoption of the Regulations on the exploitation of the mineral resources in the Area would create a “legal vacuum” that could make the Area vulnerable to unilateral actions. **Such unilateral actions are not allowed under the Convention.** Article 136 declares the Area and its resources as the common heritage of humankind, whilst article 137 prohibits the appropriation of any part of the Area or its resources by any State or natural and juridical person.

Greece has always been a keen supporter of UNCLOS, which constitutes an important pillar of its foreign policy and a reference point in its bilateral relations on maritime issues. We firmly believe that UNCLOS is a factor for stability, peace and progress and that it holds special significance in a difficult international context. It is, therefore, **important to preserve the Convention’s integrity** and its pre-

eminent role as the legal framework for all ocean issues and ocean related activities by calling upon all States that have not done so, to become parties to the Convention, in order to achieve the goal of universal participation. In this respect, **we warmly welcome the accession of San Marino** as the 170<sup>th</sup> party to the Convention and newest Member of the Authority.

*Mr. President,*

in its thirtieth anniversary, the Authority is at a critical crossroads. ISA is the organization through which States Parties organize and control all mineral resource-related activities in the Area for the benefit of humankind as a whole and to provide for the equitable sharing of financial and other economic benefits from activities in the Area (article 140). At the same time, however, the Authority has **the mandate and the duty to ensure the effective protection of the marine environment** from harmful effects that may arise from deep sea mining-related activities (article 145). Thus, in addition to economic benefits from deep sea mining, **the benefits from leaving ecosystems intact should also be considered** in the context of Article 140; integrating redistribution (international solidarity) with ecological preservation (intergenerational solidarity) (UN Second World Ocean Assessment, vol. ii, p. 478).

The deep sea is the largest habitat on earth. Scientists in recent decades have uncovered a previously unknown wealth of life. It is estimated that 90% of the deep-sea biodiversity is still unknown, so that the loss of biodiversity would be inevitable and irreplaceable. As the planet faces a triple crisis - climate change, nature loss and pollution - a **hasty decision to begin deep sea mining may have irreparable effects** on deep ocean ecosystems and the marine environment.

For these reasons, Greece has recently joined the call for a **precautionary pause on deep sea mining**, until it can be carried out without a risk of significant harm to the marine environment. It would be inconceivable to begin deep sea mining in the absence of a robust regulatory framework, based on scientific knowledge, that can effectively protect the marine environment. In our view, the call for a precautionary pause is **fully consistent both with the letter and the spirit of UNCLOS**. As underlined by ITLOS in its 2024 *Advisory Opinion*, in taking measures to prevent pollution of the marine environment under article 194(1), States **must apply the precautionary approach**, which mandates proactive measures to prevent environmental harm even in the face of scientific uncertainty. The same applies with respect to the general obligation to protect and preserve the marine environment under article 192.

For the same reasons, we believe that it is essential to **establish a general policy of the Authority for the protection and preservation of the marine environment**, pursuant to articles 192, 145 and 160 of UNCLOS, before any plan of work for exploitation is approved.

*Mr. President,*

The ongoing discussions at the Council on the elaboration of rules, regulations and procedures relating to exploitation have also brought to the surface issues, such as the protection of deep seabed cultural heritage, which have been dormant for many years at least within the framework of UNCLOS.

It should be recalled that under UNCLOS, the Authority does not have *stricto sensu* jurisdiction over cultural resources. However, in the exercise of its mineral resource-related jurisdiction, the Authority may take protective measures as an application of the duty to protect underwater cultural heritage found in the Area. According to article 303(1), all States have the duty to protect objects of an archaeological or historical nature found at sea, whilst article 149 provides that objects of an archaeological or historical nature found in the Area must be preserved or disposed of for the benefit

of humankind as a whole, particular regard being paid to the preferential rights of the State or country of origin, or the State or country of cultural origin or the State or country of archaeological and historical origin. Greece participates actively in the discussions of the Intersessional Working Group on Underwater Cultural Heritage, under the able guidance of Mr. Clement Yow Mulalap, from Micronesia. Within this context, other challenging issues, such as the protection of intangible underwater cultural heritage, have also emerged.

In our view, all these issues should be addressed for the Authority to be able to *“fulfill its role as the custodian and steward of 54% of the world’s ocean floor and its resources”*.

*Mr. President,*

Turning to the **annual Report of the Secretary-General for 2024**, we would like to thank him and the Secretariat for this comprehensive overview of the activities of the Authority and the progress achieved throughout the past year. We also welcome the **Report on the Implementation of the ISA Action Plan** in Support of the United Nations Decade of Ocean Science for Sustainable Development.

Greece attaches great importance to the enhancement of scientific knowledge, the promotion of deep-sea research and capacity development, as well as to advancing women’s empowerment and leadership in deep sea-related disciplines. In this regard, we contributed 50.000 EUR to ISA’s Partnership Fund last year.

We would also like to acknowledge the **Report** of the ISA Secretariat entitled **“A review of the contribution of ISA to the objectives of the 2023 Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction”** and to thank them for a very informative side-event on this issue yesterday. The Report is the result of a study by a Group of Experts and discusses, *inter alia*, the relationship and linkages between the mandates and activities of ISA and the objectives of the BBNJ Agreement, in particular the interpretation of the “non-undermining clause” under the BBNJ Agreement. In our view, these are issues that would have to be addressed once the Agreement enters into force, which will be the **main forum to discuss issues relating to the protection of marine biodiversity in ABNJ, including the Area**.

Greece has already announced that it will proceed with the ratification of the BBNJ Agreement prior to the Third UN Ocean Conference (UNOC 3) in Nice, in June 2025. This was one of our commitments during the 9<sup>th</sup> Our Ocean Conference (OOC-9) that we successfully hosted in Athens last April, gathering more than 3,500 participants from 130 countries and 10 International Organizations. During the Conference, 469 new commitments with a total budget of USD 11.35 billion have been submitted across the six main Areas of Action of the Conference (Marine Protected Areas, Sustainable Blue Economies, Climate Change, Maritime Security, Sustainable Fisheries, Marine Pollution).

*In concluding, Mr. President,*

According to the UN Second World Ocean Assessment (WOA II), the ocean is not yet beyond repair, but we are getting to critical levels in many areas. **We should not risk another “tragedy of the commons” with respect to deep ocean ecosystems.**

We must assume our responsibilities and proceed with caution.

Thank you!