

Statement of the Honourable Dr. Keith Rowley, Prime Minister of the Republic of Trinidad and Tobago during the General Debate of the Assembly of the Twenty-Second annual session of the International Seabed Authority, Kingston, Jamaica, July 2016

Mr. President

Mr. Secretary-General

Excellencies

Ladies and Gentlemen

I am extremely honoured to address this twenty-second session of the International Seabed Authority ("the Authority"). Let me also take the opportunity to congratulate Secretary –General Nii Allotey Odunton on the presentation of his comprehensive report on the work of the Authority over the past year in accordance with the provisions of Article 166, paragraph 4 of the 1982 United Nations Convention on the Law of the Sea ("the Convention").

The Government of the Republic of Trinidad and Tobago, of which I have the honour to lead, attaches tremendous importance to the role of the Authority under the Convention and the 1994 Agreement on the Implementation of Part XI of the Convention, as the organization through which States Parties to the Convention and the 1994 Agreement organize and control activities in the Area, with a view to administering the resources of the Area.

As a responsible member of the Authority, Trinidad and Tobago views participation in the annual sessions of this organization as consistent with its commitment to the full implementation of our obligations under both the Convention and the 1994 Agreement. This is why, Mr. President, we are among those 24 States which maintain a Permanent Mission to the Authority here in Kingston. I am also pleased to be here today to acknowledge the presence of His Excellency, Fitzgerald Jeffrey, Trinidad and Tobago's new Permanent Representative to the Authority, who very recently presented his credentials to Secretary –General Odunton.

Trinidad and Tobago holds that a diplomatic Mission dedicated to represent the interests of a member State in the work of the Authority, is critical to the success of this institution which we are legally bound to support in the effecting of its mandate. As such, Trinidad and Tobago is requesting that all States Parties that are in a position to do so establish either resident or non-resident Permanent Missions to the Authority. A positive reaction to our suggestion would assist in enhancing participation by a larger number of States in the work of the organization.

Mr. President,

It would also be remiss of me if I did not recognize the sterling efforts of the Government and people of Jamaica as the host country of the Headquarters of the Authority. We cannot understate the significant contribution of Jamaica in discharging its responsibilities under the Convention, as well as its undertakings pursuant to the Headquarters Agreement between itself and the Authority in being an excellent host. Trinidad and Tobago is very satisfied that the Government of Jamaica is providing an enabling environment for the proper conduct of the activities of the only major international organization to be located in Latin America and the Caribbean. In paying tribute to Jamaica, we also underscore the tremendous financial and other costs associated with its role as host country of this very important institution, despite a very difficult global economic environment. And for these reasons, Mr. President, Trinidad and Tobago, salutes the central role being played by our sister CARICOM Member State to the work of the Authority as well as to the development of the law of the sea in general.

The Authority is more than two decades old. During this period, we in Trinidad and Tobago have witnessed the continued strides of this body in fulfilling its noble mandate aimed at the implementation of a regime geared towards prospecting, exploration and the eventual exploitation of minerals of the deep seabed of the Area beyond national jurisdiction. Trinidad and Tobago acknowledges that the Authority has been a very reliable custodian of the Area, that is, the seabed and subsoil beyond national jurisdiction, and its resources, which are the common heritage of mankind. We hold that this principle is in keeping with the letter and

spirit of Article 136 of the Convention, which we view as also forming part of customary international law. In other words, the principle of the common heritage of mankind is a non-derogable norm that is binding on States Parties as well as non- parties to the Convention. Trinidad and Tobago affirms that the resources of the Area cannot be alienated, secured or developed solely for the benefit of any single State. These activities must be carried out on behalf of and for the benefit of the international community as a whole.

Any other approach would be contrary to the vision of the late Maltese diplomat, Ambassador Arvid Pardo whose pioneering work at the United Nations led to the acceptance of the principle of the common heritage of mankind which is now codified in the Convention. Any deviation as well from this fundamental principle, would also be at variance with the ground-breaking work of the framers of the Convention, some of whom hail from developing countries, such as Ambassador Satya Nandan of Fiji, Ambassador Tommy Koh of Singapore, the late Kenneth Rattray of Jamaica and the late jurist and diplomat Mr. Lennox Ballah of my own country.

Mr. President

Since we assumed membership of the Authority, Trinidad and Tobago has joined with other members of the Authority, especially through our active participation in the deliberations of the Council, in negotiating, drafting and adopting regulations governing prospecting and exploration for polymetallic nodules, polymetallic sulphides and cobalt rich ferromanganese crusts found in the Area. To this must be added the recent work of the organization aimed at the development of the framework for exploitation of mineral resources of the Area. We admire the proactive posture being adopted by the Authority in commencing work on an exploitation code as it readies itself for the time, hopefully in the very near future, where all measures would be in place for the launch of commercial mining of deep seabed minerals, as the volume of land based sources decline.

The Authority must also be commended for the work it has done in putting procedures in place for the protection and preservation of the

marine environment. It is noteworthy that in all of the mining regulations elaborated so far, in addition to the contracts awarded by the Authority to entities from both developed and developing States, including Small Island developing States, like Nauru and Tonga, there are provisions related to the protection and preservation of the marine environment. We submit that all of the marine resources both within and beyond national jurisdiction must be utilized in a sustainable manner consistent with the principles of inter and intra-generational equity.

Consequently, Trinidad and Tobago firmly believes that those actors engaged in activities in the Area must always adhere to the elements of the Advisory Opinion of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea on: *"Responsibilities and Obligations of States Sponsoring Persons and Entities With Respect to Activities in the Area"*, which was delivered at the request of the Authority. Any failure to observe, for example, the provisions of the Advisory Opinion on the protection and preservation of the marine environment from anthropogenic activities would only serve to undermine the mandate of the Authority to develop a legal regime for deep seabed mining, while simultaneously adopting a precautionary approach to prevent damage to the fragile ecosystem.

Mr. President

If we are to ensure that the Area and its resources remain the common heritage of mankind, the Authority and all of its members must act in a way that is consistent with this principle. Consequently, all of its members must believe that they have a stake in the work of the organization. That is, whether developed or developing States, coastal, land-locked or geographically disadvantaged States. This is a practical and direct application of the principle of the common heritage of mankind. As such, we have observed, with appreciation, that through the Endowment Fund, the Authority has provided a mechanism which supports the participation of qualified scientists and technical personnel from developing countries in marine scientific research programmes in the Area. Nationals of Trinidad and Tobago have also benefitted from this initiative and we encourage the Authority to continue to strengthen

the Endowment Fund to which Trinidad and Tobago has made financial contributions in the past.

At the same time, we are also encouraged by the emphasis being placed by the Authority on the provision of technical information and research material on the law of the sea, ocean affairs, and deep seabed mining, among other things, through the Satya N. Nandan Library. This facility continues to assist all stakeholders in developing their knowledge of the myriad issues involved in ocean governance which are assuming greater significance as we seek to implement Goal 14 of the 2030 Sustainable Development Agenda which was adopted by world leaders at the United Nations in September 2015. It calls on the international community to conserve and sustainably use the oceans, seas and marine resources for sustainable development.

Mr. President

While we concede that the Authority has sought to discharge its fiduciary responsibility to its members, it must not be assumed that there is no need for improvement in its operations. It is therefore laudable that a decision was taken during the twenty-first session of the Assembly to conduct the periodic review of the international regime of the Area in keeping with the provisions of Article 154 of the Convention. Trinidad and Tobago was one of the States which participated in the review exercise and it is our hope that the findings of the review committee would be examined and that appropriate actions would be undertaken to implement them as appropriate.

Another area of concern for Trinidad and Tobago, Mr. President, is the future operationalization of Article 82, paragraph 4 of the Convention regarding the responsibility of the Authority to distribute to States Parties to the Convention payments or contributions in kind derived from exploitation of the resources of the continental shelf beyond 200 nautical miles. A number of States have received favourable recommendations from the Commission on the Limits of the Continental Shelf ("the Commission") to establish the outer limits of their continental shelf beyond 200 nautical miles. The Authority should as a matter of priority, work on the resolution of important practical issues which are germane

to the uniform implementation of Article 82. We can ill afford to sit and wait until there is exploitation of the mineral resources of the continental shelf beyond 200 nautical miles and then begin to elaborate guidelines on the execution of this provision which is also a very critical component of the application of the principle of common heritage of mankind.

Mr. President

As the Authority approaches the next chapter of its existence, we also laud it for its support of the work of the Preparatory Committee ("the Preparatory Committee") established by United Nations General Assembly resolution 69/292 to make recommendations to the General Assembly on the elements of an international legally binding instrument under the Convention, on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction ("the BBNJ Agreement"), which I am privileged to state is chaired by a national of Trinidad and Tobago.

Like other developing countries, Trinidad and Tobago is of the view that all of the marine resources, whether living or non-living in the Area beyond national jurisdiction are the common heritage of mankind, and as such, this should be a cardinal principle founded in the future BBNJ Agreement. To us, such an approach would be consistent with the object and purpose of the Convention. Trinidad and Tobago, as part of the CARICOM and the wider grouping of developing countries will continue to advocate this position in the remaining sessions of the Preparatory Committee and at the same time, will call for the mandate of the Authority to be expanded to serve as the governing body charged with the responsibility to assist States in the implementation of their obligations emanating from the future BBNJ agreement.

In closing Mr. President,

I wish place on record the commitment of the Government of Trinidad and Tobago to continue to work hand in hand with the Authority and all of its members in order to achieve our common objective. We do so not only based on our treaty obligations and state practice, but also due to our distinguished and historical contribution to many facets of the law of

the sea which predates the negotiation, adoption and entry into force of the 1982 United Nations Convention on the Law of the Sea.

I thank you.