Commemoration of the fortieth anniversary of the adoption and opening for signature of the United Nations Convention on the Law of the Sea

Agenda Item 72 (a) Oceans and the Law of the Sea

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STATEMENT
by
H.E. Mr. Michael W. Lodge
Secretary-General of the International Seabed Authority

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Mr. President,

Distinguished delegates,

Today, we celebrate 40 years since the United Nations Convention on the Law of the Sea was opened for signature at Montego Bay, Jamaica.

During these four decades, the Convention has been a fundamental instrument for promoting legal order and peace in the oceans.

It has served us well as our "Constitution for the Oceans" and has demonstrated time and time again that it is resilient, flexible, and adaptable to changing economic, environmental, and political realities.

The General Assembly reaffirms every year that the Convention and its two implementation agreements set out the legal framework within which all activities in the oceans and seas must be carried out.

The International Seabed Authority plays a crucial role within that framework. As the international organization tasked with organizing and controlling activities in the Area, protecting the marine environment, and promoting and encouraging marine scientific research for the benefit of all, the Authority is a fundamental pillar of the ocean governance architecture.

The extraordinary success of the Convention was to establish a system for the shared management of the global commons that strikes an effective balance between the rights of all States to explore and exploit natural resources and the interest of the international community to protect and preserve the marine environment and share the benefits from natural resources.

The Authority represents a collective vision of how the international community could come together to manage a shared space and a shared resource for the benefit of all humanity.

For that reason, its unique role and mandate places it, more than ever, at the center of any discussion about the effectiveness of multilateralism and the rule of law for the global ocean.

From the outset, the Convention was regarded as a package deal. There would have been no agreement on all other elements of the package without agreement on the status and use of the seabed beyond national jurisdiction.

It is important not to forget this.

This is also why it was necessary to adopt an Implementing Agreement in 1994 to reflect the understanding on the deep seabed and to bring the Convention into force.

The 1994 Agreement was critical in ensuring that the 1982 Convention could enter into force with the full participation of all States. The Agreement introduced various safeguards and compromises intended to make Part XI of the Convention (the deep-sea mining provisions) broadly acceptable to all States. These included new provisions relating to the composition of the Council and decision-making, technology transfer, the status of the Enterprise and provisions to guarantee the rights of the registered pioneer investors.

The 1994 Agreement introduced the evolutionary approach to the establishment and work of the Authority, including a detailed roadmap on the work to be done by the Authority between the entry into force of the Convention and the approval of the first plan of work for exploitation of seabed minerals in the Area.

This roadmap is a central element of the package that constituted the 1994 Agreement and the overall compromise that all States reached in deciding to adopt it.

That package also contained provisions to protect the rights of all States Parties to conduct activities in the Area in accordance with the rules, regulations, and procedures of the Authority.

Since its establishment in 1994, the Authority, from our permanent headquarters in Jamaica, has implemented in good faith the roadmap established by the 1994 Agreement.

It has adopted regulations governing exploration for three mineral resources in the Area. It has issued contracts for exploration to 31 different entities sponsored by 22 different States Parties, including 11 developing States.

It has made the most important contribution to marine science and massively improved our collective understanding of the deep sea and its ecosystems while sharing that knowledge with the developing world.

The fact that there have been no unilateral claims to the Area outside the rules set by the Authority under the Convention is a testament to the success of the regime.

However, this success must not be taken for granted.

Until now, all States Parties, irrespective of their national position regarding sponsorship of activities in the Area or mineral exploitation within national jurisdiction, have acted with the necessary caution and restraint to avoid an extreme polarization of views, which would run the risk of denying the achievements of the Convention and its contribution to peace and good order in the ocean.

The regime, and the entire Convention, are threatened and undermined when States Parties act unilaterally, outside the rules set by the Convention and its implementing agreements.

It is a matter of the greatest concern, therefore, when States Parties promote positions that radically change the rules of engagement and even deny the essential vision set out in the Convention.

To do so not only risks undermining the law of the sea but also threatens multilateralism at a time when we need it more than ever.

These developments should serve as a timely reminder to all of us of the critical need to take a consistent approach in implementing all the provisions of the Convention.

Each chapter of the Convention is an integral part of the whole. Its provisions reflect the ecological unity of the ocean and are carefully designed to respond to the interests of all States, including developing States. We cannot pick and choose different elements to support short-term positions. With benefits come obligations and responsibilities.

What is important now is to reinforce our collective action to ensure that this framework is respected and reinforced and, most of all, that the institutions created for its implementation are strengthened and not undermined.

The best way to ensure that there will not be unilateral action in the future is to faithfully implement the provisions of the Convention and the 1994 Agreement, respecting the rights of all States and respecting the essential compromises that were reached in 1994.

While today we celebrate the milestone of 40 years of the Convention, the reality is that 40 years is a very short time in human history.

We should not forget that for much of the preceding three hundred years, the law of the sea was in a state of chaos, characterized by unilateral claims and conquests, and that it took almost seventy years and many difficult compromises to achieve the Convention.

The deep sea and its mineral resources are the only examples we have of a global commons managed under a universally accepted international regime. If we cannot manage this shared resource effectively, then the prospects for successfully managing other global commons based on equity and equality between States are likely to become increasingly remote.

I remain confident that the remarkable progress made by the members of the Authority to give life to this ideal of solidarity and equity for all humanity gives us hope and reinforces our trust in our ability, together, to address any complex challenges our world must face today.

The success of the legal regime so far, after 28 years of consolidation, offers a concrete example of how the international community can come together to ensure sound and careful management of global public goods for the benefit of humanity.

I urge all States Parties to come together and ensure that the Convention endures for another 40 years.

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