



**Partnership Dialogue 7: Enhancing the conservation and sustainable use of oceans and their resources by implementing international law as reflected in the United Nations Convention on the Law of the Sea**

Friday 9 June 2017, 10:00 – 13:00, Conf. Room 4

*Panelist remarks by H. E. Michael W. Lodge, Secretary-General, International Seabed Authority*

In setting aside the seabed and ocean floor beyond national jurisdiction as the common heritage of mankind, to be managed through an international organization on the basis of equality between States, the international community embarked upon a unique experiment in international relations.

Part XI of UNCLOS establishes a comprehensive legal regime that is designed to achieve the sustainable use of marine mineral resources for the benefit of mankind as a whole. The system is intended to ensure equity in access to and allocation of resources, long-term sustainability in terms of protection of the marine environment and equitable sharing of benefits with respect to sharing of scientific knowledge of the deep seabed as well as financial and economic benefits.

In the 35 years since UNCLOS was adopted, much progress has been made towards achieving these objectives. In large part, credit must be given to the 1994 Implementation Agreement on Part XI, which reset the provisions of Part XI to reflect profound political changes since 1982.

Since 1994, steady progress has been made to establish ISA as a lean, efficient and low cost institution that exercises no more powers than are strictly necessary to perform the functions expected of it by its member States. An evolutionary approach has been taken to the stepwise development of regulations that have permitted exploration to proceed in a systematic manner. No State or entity has even considered the possibility of unilateral action outside UNCLOS.

This has inspired confidence in the system, so that today we have 28 exploration projects in the Pacific, Atlantic and Indian Oceans. As envisaged by the Convention, these projects involve States, state enterprises and private corporations from both developed and developing States. The participation of five SIDS, namely Cook Islands, Kiribati, Nauru, Singapore and Tonga, is particularly noteworthy.

**Legal and implementation gaps** remain, and I want to mention 3 of particular concern:

- First, we have still not achieved the goal of universal participation in UNCLOS, even though we have 168 members, including nearly all of the major maritime powers. At another event this week, I mentioned my particular concern that 12 of the 32 LLDCs are not yet party to the Convention and therefore missing out on the provisions in Part XI

specifically intended for their benefit. I urge these States to join the Convention.

- Second, also with respect to universality, there are still 18 States that have not ratified the Part XI Agreement even though they are parties to UNCLOS.
- Third, in order to accurately delineate the boundary of the Area, States need to establish the limits of national jurisdiction through the procedure outlined in UNCLOS. Relatively few States have so far established the outer limits of their continental shelves. And only 7 States Parties have fulfilled their obligation under Article 84(2) to deposit charts or list of geographical coordinates with the Secretary-General of the Authority showing the outer limit lines of the continental shelf (Australia, France, Ireland, Mexico, Niue, Pakistan and Philippines).

The next major implementation step for ISA is to adopt a Mining Code that will allow for commercial exploitation of minerals in the Area. Again, this is in line with the evolutionary approach laid down in the 1994 Agreement, and reflects the fact that deep seabed mining is increasingly seen as an integral part of the overall vision for a sustainable world.

The development of a commercially viable Mining Code, with due provision for environmental protection in line with a precautionary approach, is critically important to the future of ISA and to the credibility of the deep sea mining regime established by Part XI. Indeed, the Code will constitute a key step in contributing to fulfill the object and purpose of UNCLOS; that is to promote the economic and social advancement of all peoples of the world.

I now turn to consider the **challenges and urgent needs of developing countries** and ways in which these may be addressed.

For many developing States, there are real challenges with respect to participation in the work of ISA, both as a result of financial constraints as well as lack of technical and research capacity. These need to be addressed so that developing States can participate effectively in making the decisions that will affect their future interests.

The positive impact of addressing these challenges was demonstrated by the EU-DSM project of the Pacific Community which succeeded in raising awareness and building capacity amongst P-SIDS. We now count four P-SIDS amongst our contractors. We hope to be able to continue this work through the voluntary commitment we have registered in collaboration with UNDESA aimed at building capacity in P-SIDS to develop their deep seabed mining industries to support the blue economy.

One region lags far behind and that is Africa, which is the only regional group that has not so far sponsored a plan of work for exploration. That is why I was particularly pleased to visit Uganda recently and to register a voluntary commitment for this Conference, in partnership with the African Minerals Development Centre of UNECA, to hold a coordinated series of workshops in Africa to raise awareness about the opportunities for African States, including the landlocked States, in the development of marine minerals.

Challenges in relation to the development of scientific and technical capacity are more persistent, mainly because of the sophisticated, costly and highly specialized nature of deep sea science.

Nevertheless, we have made significant progress by partnering with contractors to develop their mandatory training programmes as required by UNCLOS. So far, these programmes, together with the ISA Endowment Fund for MSR, have supported training for more than 160 scientific and technical personnel from 45 developing countries.

ISA has also made solid progress in promoting coordinated MSR in the Area, in partnership with many leading scientific institutions around the world, including establishing marine environmental databases and specialized Atlases of deep sea species using standardized taxonomic identification protocols, including DNA sampling.

Much more needs to be done, however, particularly to ensure that the benefits of, and knowledge from, MSR in the Area, flows to the developing countries that lack the physical, financial and human resources to carry out this extremely costly work.

I urge all those present to consider the benefits of well-organized, focused and coordinated global partnerships to improve deep sea scientific research and sharing of the benefits of such research with developing countries. Partnerships may be organized at global level, ocean-basin level or regionally. I welcome any interest in such partnerships.

With these few remarks and suggestions, I look forward to the dialogue.