

## THE SEA-BED AUTHORITY

The Convention provides for the establishment of the International Sea-Bed Authority<sup>1</sup> at the time the Convention goes into effect. As this date was not known at the time of the conclusion of the Conference, it was decided to establish a Preparatory Commission to make the necessary arrangements for the commencement of the functions of the Authority.<sup>2</sup> The Commission, which was established in December 1982, is to remain in existence until the conclusion of the first session of the Sea-Bed Authority Assembly.<sup>3</sup>

The Authority thus established has international legal personality and such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.<sup>4</sup> The Authority and certain persons connected with it enjoy diplomatic status in the performance of their duties.<sup>5</sup> Members of the Authority are those states and entities which are "states parties."<sup>6</sup> The Authority is based on the principle of the sovereign equality of all its members<sup>7</sup> and is the organization through which the States Parties organize and control activities in the Area with the view of administering the resources<sup>8</sup> for the benefit of mankind as a whole, on whose behalf the Authority is to act.<sup>9</sup>

The long-term goal is for the Sea-Bed Authority to become self-supporting. Until that time, the Authority is to receive contributions from its members, the amount of which is to be fixed in accordance with the regular budget of the United Nations.<sup>10</sup> Further funds necessary for operation are to come from activities in the Area, i.e., from royalties paid by operators in the Area,<sup>11</sup> from payments by the Enterprise,<sup>12</sup> or from coastal states for exploration of the outer shelf.<sup>13</sup> The Authority may also raise money by other means, particularly in the initial phase.<sup>14</sup> It also has the right to borrow funds, for which the States Parties are not liable.<sup>15</sup>

The Convention establishes four organs to enable the Authority to fulfil its tasks, three of which are the Assembly, the Council, and the Secretariat.<sup>16</sup> The fourth organ established by the Convention is the Enterprise, through which the Authority carries out activities in the Area directly in accordance with a formal written plan of work as well as transporting, processing, and marketing minerals recovered from the Area.<sup>17</sup> Further subsidiary organs may be established by the Authority as necessary.<sup>18</sup> Except for the Enterprise (which enjoys a special status), these organs act through the Authority. The Authority is the body which concludes contracts with mining operators<sup>19</sup> and which is liable for damage caused by wrongful acts or omissions by the organization<sup>20</sup> or its staff.<sup>21</sup> While actions against the Authority are to be submitted to the Sea-Bed Disputes Chamber<sup>22</sup> certain violations by staff members<sup>23</sup> are considered by a special tribunal of the Authority.<sup>24</sup>

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<sup>1</sup> Art. 156, Para. 1

<sup>2</sup> Final Act, Annex I, Resolution I

<sup>3</sup> *Ibid* (Para. 13)

<sup>4</sup> Art. 176

<sup>5</sup> Art. 177-183

<sup>6</sup> Art.156, Para. 2; Art. 1, Para. 2; 306-307

<sup>7</sup> Art. 157, Para.3

<sup>8</sup> Art. 157, Para.1

<sup>9</sup> Art. 137, Para. 2; Art. 153, Para. 1

<sup>10</sup> Art. 171, Subpara. (a); Art. 160, Subpara. 2(e)

<sup>11</sup> Art. 171(b); Annex III, Art. 13

<sup>12</sup> Art. 171(c); Annex IV, Art.10

<sup>13</sup> Art. 82

<sup>14</sup> Art. 171, Subpara. (d-f)

<sup>15</sup> Art. Art. 174, Para. 4

<sup>16</sup> Art. 158, Para. 1

<sup>17</sup> Art. 158, Para. 2; Art.153, Para. 2; Art. 170, Para. 1

<sup>18</sup> Art. 158, Para. 3; Art. 160, Para. 2(d)

<sup>19</sup> Annex III, Art. 3; Art. 6

<sup>20</sup> Annex III, Art. 22

<sup>21</sup> Art. 168, Para. 3

<sup>22</sup> Art. 187, Subpara. (e)

<sup>23</sup> Art. 168, Para. 2

<sup>24</sup> Art. 168, Para. 3

## SEA-BED AUTHORITY

Articles 171-175

*SEAT:* JAMAICA (Article 156, Paragraph 4)

*OTHER LOCATIONS:* Yes, for regional centres and offices (Article 156, Paragraph 5)

*MEMBERS:* All States Parties and those bodies which are entitled to ratify or accede to the Convention (Article 305, Subparagraphs 1(a-f); Articles 306-307)

*SUSPENSION OF RIGHTS FOR STATE PARTIES:*

- Voting rights: State Party in arrears of payment of contribution (Article 184)
- Exercise of rights and privileges: Gross and persistent violations of Part XI, The Area (Article 185)
- State parties which have transferred rights to an international organization may not exercise themselves rights transferred (Annex IX)

*OBSERVERS:* Those observers of the Conference who have signed the final act of the Conference (Article 156, Paragraph 3); African National Congress, Netherlands Antilles, Palestine Liberation Organization, Pan Africanist Congress of Azania, South West Africa People's Organization.

<i>FUNDAMENTAL PRINCIPLES (ARTICLE 157):</i> The Authority	
<ul style="list-style-type: none"> <li>- Is the organ through which states parties administer the resources of the Area</li> <li>- Has powers and functions expressed in the Convention and any incidental powers consistent with the Convention necessary for conduct of activities in the Area</li> <li>- Is based on the sovereign equality of all members</li> <li>- All members are to act in good faith</li> </ul>	
Legal Status, Privileges and Immunities, Articles 176-183	Financial Arrangement of the Authority, Articles 171-175
<p>Legal Status, Article 176</p> <ul style="list-style-type: none"> <li>- The Authority has international legal personality</li> </ul> <p>Privileges and Immunity, Articles 177-182</p> <ul style="list-style-type: none"> <li>- for the Authority</li> <li>- for certain persons connected with the Authority; Representatives of States, the Secretary-General, and the staff of the Authority</li> </ul> <p>Exemption from taxes and customs duties, Article 183</p>	<p>Funds of the Authority, Article 171</p> <ul style="list-style-type: none"> <li>- assessed contributions of members funds received from activities in the Area</li> <li>- funds transferred for the enterprise</li> <li>- borrowed funds</li> <li>- voluntary contributions</li> <li>- payment to a compensation fund for specific developing countries</li> </ul> <p>Annual Budget, Article 172</p> <p>Expenses, Article 173</p> <p>Borrowing power, Article 174</p> <p>Annual Audit, Article 175</p>