THE SEA-BED AUTHORITY

The Convention provides for the establishment of the International Sea-Bed Authority1 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. 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.2

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.3 The Authority and certain persons connected with it enjoy diplomatic status in the performance of their duties.4 Members of the Authority are those states and entities which are “states parties.”5 The Authority is based on the principle of the sovereign equality of all its members6 and is the organization through which the States Parties organize and control activities in the Area with the view of administering the resources7 for the benefit of mankind as a whole, on whose behalf the Authority is to act.8

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.9 Further funds necessary for operation are to come from activities in the Area, i.e., from royalties paid by operators in the Area,10 from payments by the Enterprise,11 or from coastal states for exploration of the outer shelf.12 The Authority may also raise money by other means, particularly in the initial phase.13 It also has the right to borrow funds, for which the States Parties are not liable.14

The Convention establishes four organs to enable the Authority to fulfill its tasks, three of which are the Assembly, the Council, and the Secretariat.15 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.16 Further subsidiary organs may be established by the Authority as necessary.17 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 operators18 and which is liable for damage caused by wrongful acts or omissions by the organization19 or its staff.20 While actions against the Authority are to be submitted to the Sea-Bed Disputes Chamber21 certain violations by staff members22 are considered by a special tribunal of the Authority.23

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1 Art. 156, Para. 1
2 Final Act, Annex I, Resolution I
3 Ibid (Para. 13)
4 Art. 176
5 Art. 177-183
6 Art.156, Para. 2; Art. 1, Para. 2; 306-307
7 Art. 157, Para.3
8 Art. 157, Para.1
9 Art. 137, Para. 2; Art. 153, Para. 1
10 Art. 171, Subpara. (a); Art. 160, Subpara. 2(e)
11 Art. 171(b); Annex III, Art. 13
12 Art. 171(c); Annex IV, Art.10
13 Art. 82
14 Art. 171, Subpara. (d-f)
15 Art. Art. 174, Para. 4
16 Art. 158, Para. 1
17 Art. 158, Para. 2; Art.153, Para. 2; Art. 170, Para. 1
18 Art. 158, Para. 3; Art. 160, Para. 2(d)
19 Annex III, Art. 3, Art. 6
20 Annex III, Art. 22
21 Art. 168, Para. 3
22 Art. 187, Subpara. (e)
23 Art. 168, Para. 2
24 Art. 168, Para. 3

Further Readings: - Developing States, Page 107
- Measures to Close the Economic Gap, Page 129
**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 (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.

<table>
<thead>
<tr>
<th><strong>FUNDAMENTAL PRINCIPLES (ARTICLE 157):</strong> The Authority</th>
<th><strong>Legal Status, Privileges and Immunities, Articles 176-183</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>- Is the organ through which states parties administer the resources of the Area</td>
<td><strong>Financial Arrangement of the Authority, Articles 171-175</strong></td>
</tr>
<tr>
<td>- Has powers and functions expressed in the Convention and any incidental powers consistent with the Convention necessary for conduct of activities in the Area</td>
<td>Funds of the Authority, Article 171</td>
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<tr>
<td>- Is based on the sovereign equality of all members</td>
<td>- assessed contributions of members funds received from activities in the Area</td>
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<td>- All members are to act in good faith</td>
<td>- funds transferred for the enterprise</td>
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<tr>
<th><strong>Legal Status, Article 176</strong></th>
<th><strong>Privileges and Immunity, Articles 177-182</strong></th>
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<tbody>
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<td>- The Authority has international legal personality</td>
<td>- for the Authority</td>
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<th><strong>Exemption from taxes and customs duties, Article 183</strong></th>
<th><strong>Annual Budget, Article 172</strong></th>
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<tr>
<td>- for certain persons connected with the Authority; Representatives of States, the Secretary-General, and the staff of the Authority</td>
<td>Expenses, Article 173</td>
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<th><strong>Annual Audit, Article 175</strong></th>
<th><strong>Borrowing power, Article 174</strong></th>
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<td>- payment to a compensation fund for specific developing countries</td>
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