SEABED AUTHORITY’S SUPREME BODY, THE ASSEMBLY WINDS UP DEBATE ON SECRETARY-GENERAL’S ANNUAL REPORT –


The International Seabed Authority needs more strategic planning and a vision to be able adequately to cope with future tasks, the Committee which reviewed its operations and those of its organs and subsidiary bodies said in an interim report presented to the Authority’s Assembly this morning.

The Review Committee, with Helmut Tuerk of Austria as Chairman, was appointed by the Assembly at the Authority’s twenty-first session in 2015. Mr. Tuerk who was President of the Assembly for 2015, is a former Judge of the International Tribunal for the Law of the Sea.

The Assembly also continued its discussion of the report of the Secretary-General on the work of the Authority.

Discussion of Secretary-General’s report

Senegal commended the Secretary-General on his comprehensive report and called for greater commitment and more active participation at sessions by members of the Authority. The representative also announced that his country had, on 11 July, 2016, become party to the Protocol on the Privileges and Immunities of the Authority.

Philippines’ representative said it welcomed the discussions about the expansion of the Legal and Technical Commission. Developing countries were sensitive to the appropriate policies for dealing with deep seabed mining. They required training, technology transfers and capacity building to deal with them. The Philippines strongly supported the Authority’s work on capacity-building and marine scientific research. Its scientists had benefitted financially from the Authority’s Endowment Fund for Marine Scientific Research in the Area.

Vietnam acknowledged the increased work load of the Authority, in particular the Legal and Technical Commission, as evidenced by the progress in formulating draft regulations for exploitation in the Area, and an action plan for its future work on the code. It added that the planned training
programmes and workshops would play an important role in capacity-building, especially for developing countries.

The representative of the State of Palestine declared that his country was honoured to have its flag present at the International Seabed Authority Assembly room and to be participating at this session as a State Party for the first time having acceded last year to the Convention and the 1994 Agreement.

The State of Palestine, the speaker said, had a very special history with the Law of the Sea, as some 40 years ago the Palestine Liberation Organization was invited to participate in the meetings on the Law of the Sea. He added that the State of Palestine reiterated its pledge “to remain committed to our responsibilities in the work of the International Seabed Authority with a mind to ensure fairness and justness for all of mankind and that no one is left behind.”

Argentina, on behalf of the Latin American and Caribbean Group (GRULAC), remarked that the concept of benefit sharing was of primary importance for the Authority within the scope of Article 82, paragraph 4 of the Convention. He affirmed that GRULAC would work assiduously to ensure that the draft exploitation code was adopted by consensus. With regard to the review process undertaken pursuant to article 154 of the Convention, Argentina pledged to participate actively so that this important critical analysis would be successfully concluded.

Czech Republic’s representative urged members with outstanding contributions to pay their arrears to ensure the effective functioning of the organization. Stressing the need for the proper development of the exploitation code, he said that Czech Republic would submit, by 2 November, its comments on the Working Draft Regulations and Standard Contract Terms for Exploitation for Marine Minerals issued by the Legal and Technical Commission during the current session. He acknowledged the importance of the Authority’s workshops, noting their value as a platform for collaboration with contractors and the international scientific community.

Fiji’s delegation said the development of the exploitation code should be the Authority’s primary focus at present. He said the exploitation code should be in place before the end of the extended exploration contracts. He also said that the 2030 Agenda for Sustainable Development planned by the United Nations should be factored into the Authority’s work programme for its current and future sessions. He pointed out that the Authority was expected to be actively involved in the implementation of Goal 14 of the Agenda which covered conservation and sustainable use of the oceans, seas and marine resources. He invited members to participate in the United Nations mandated conference Fiji was co-hosting with the Government of Sweden in Fiji from 5-9 June 2017 to support the implementation of Goal 14.

Mozambique encouraged the secretariat to continue to organize sensitization seminars and training programmes as they were important tools for dissemination of information on the work of the Authority. It was also an important means for the promotion of marine scientific research, capacity building and transfer of technology for developing States.

China noted that international seabed activities were now in a crucial period with exploration and preparation for exploitation proceeding in parallel. While efforts were being made by all the parties to prepare for exploitation, he said, the global economic situation meant that the prospects for realizing commercial exploitation of deep-sea resources in the near future were not good. China said that the exploitation regulations would provide a firm guarantee for realizing the principle of
“common heritage of mankind” and voiced its commitment to continuing to fulfill to the letter its responsibilities as a sponsoring State.

Myanmar’s representative said his government looked forward to strengthening cooperation with the Authority as it had made its submission to the Commission on the Limits of the Continental Shelf. Commensurate with its continued support for the organization, he said Myanmar would consider becoming a party to the Protocol on the Privileges and Immunities of the International Seabed Authority in the near future. Myanmar supported the proposed budget for the Authority and commended the Secretary-General for conducting a wide range of activities while maintaining cost saving measures. He encouraged members of the Authority and other bodies to continue their contributions to the various funds of the Authority as an investment in knowledge.

The representative of Antigua and Barbuda applauded the Authority’s secretariat for its continued efforts to cooperate with other international agencies to ensure the most efficient and effective utilization of scarce resources. He welcomed, in particular, the conclusion of an agreement between the Authority and the International Maritime Organization which was approved by the Assembly at the twenty-first session last year. As it was on the verge of a transition from regulation of exploration to the exploitation of the resources of the Area, it was incumbent on the Authority, the Legal and Technical Commission, the member States and the contractors to collaborate and cooperate to realize the true benefits of the resources of the Area, he added.

Morocco affirmed that the International Seabed Authority had an enormous responsibility to preserve the marine environment. Like other delegations, it expressed appreciation for the Authority’s efforts at capacity-building, describing it as an essential tool for enhancing human resource skills of developing countries, especially in the field of scientific research. The representative welcomed the cooperation of the Authority with other organizations concerned with marine activities.

**Statements by Observers**

Greenpeace International and the Deepsea Conservation Coalition welcomed the commitment of members of the Authority to transparency, saying it was critical to ensure that seabed mining not become another stressor on the marine environment. They said the ocean, the common heritage of mankind, required a system of management involving all the stakeholders who together must achieve Sustainable Development Goal 14 to conserve and sustainably use the oceans, seas and marine resources.

The Commonwealth Secretariat, reflecting a number of delegations, underlined the importance of transparency, accountability, and governance effectiveness which might mean making difficult changes in the immediate future and entailed the Authority balancing its mandate with the forward-looking principle of the common heritage of mankind. It encouraged the Authority, and all its Parties, to implement the very best international practices possible.

Observer Fish Reef Project, which launched a system known as the International marine mitigation bank (IMMB), asked that “for each ton of life impacted in the deep sea that several tons of new life be created in the shallow seas”. The Project said IMMB would offset dying coral ecosystems, improve fish stocks, enhance food security for locals, and attenuate sea level rise and the effects of ocean acidification”.

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Thyssen-Bornemisza Art Contemporary (TBA21), the first art institute to participate in a seabed session, said it had established a strong reputation for bridging disciplinary gaps in art and marine science. The observer wanted to use art as an innovative approach to the preservation of marine ecosystems and to address Goal 14 from a novel perspective.

Deep-Ocean Stewardship Initiative (DOSI) commended the Authority for its capacity-building initiatives in marine environmental research and information sharing among its members. DOSI seeks to integrate science, technology, policy, law and economics into advice on the ecosystem-based management of resource used in the deep ocean and strategies to maintain the integrity of deep ocean ecosystems within and beyond national jurisdictions.

WWF International Observer stressed the importance of data management which it said must be transparent. It called on the Authority to encourage environmental impact assessment as a tool to inform plans of work and for identifying and preventing negative environmental impacts.

Pew Charitable Trusts said it sought to support and supplement the work of the Authority through workshops and public participation to ensure that strong, science-based rules were adopted that balance well-regulated mining with the critically important task of protecting biodiversity in the deep ocean.

Responding to comments on his report, the Secretary-General noted Fiji’s intervention regarding the future work programme of the Authority, and pointed to the need for persons who received specialized training to be given employment upon completion. Mr. Odunton also announced that as at 19 July Angola and Cameroon, among those in arrears, had paid their contributions to the Authority’s budget.

**Interim report by Review Committee**

Introducing the 103-page report, the Chairman of the Review Committee, Helmut Tuerk (Austria), said the Review Committee concurred with the conclusion of the Interim Report, that despite the significant efforts it had made to organize and control activities in the Area, there seemed to be “a general recognition that more strategic planning is needed by the Authority in order to be able to adequately cope with future tasks and that a vision for the future should be developed”. He told the Assembly that the question of control of seabed activities by sponsoring States needed to be revisited.

The Review Committee agreed with the recommendation that a study on the adequacy of sponsoring States’ legislations to control entities with whom they enter into contracts for exploration, should be commissioned, drawing on the Advisory Opinion of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea.

The Committee agreed that appropriate mechanisms for directing and supervising staff of inspectors to inspect activities in the Area should be established. The Committee also commented on attendance at the Authority’s annual meetings and the performance of the Council, the Legal and Technical Commission, the Finance Committee and the secretariat staff.

The final report of the Committee is expected to be submitted to the Assembly at the Authority’s twenty-third session in 2017.
At its first meeting in January 2016, the Review Committee appointed Seascape Consultants Ltd., a United Kingdom-based consulting firm, to assist it to conduct the review. The Interim Report was prepared by the firm and circulated to the members and observers of the Authority by the Secretary-General on 30 May 2016. The comments of the Review Committee on Article 154 Interim Report are contained in document ISBA/22/A/CRP 3(2).

Mr. Tuerk said the comments represented the views of his Committee which agreed that the reflections contained in the Interim Report and the conclusions drawn, provided a good basis for future work of the Committee and also for the deliberations of States Parties.

The Committee’s terms of reference also included, among others, a review of the manner in which the Authority’s various organs and subsidiary bodies had functioned in practice and whether they had performed effectively as stipulated in paragraph 5 of the annex to the 1994 Agreement Relating to the Implementation of Part XI of the Convention. Article 154 required the Assembly to undertake the review every five years from the entry into force of the Convention (1994).

Comments on the review

In its intervention on the report the delegation of Bangladesh said the timeline proposed for obtaining responses appeared to be practical. It believed that certain recommendations, including those that could be implemented without having any major legal or financial implications, could possibly be time to be implemented in the short term. The delegation felt it to be a positive aspect of the review that the Assembly itself was entrusted with following up on the work towards its finalization and eventual endorsement. That, Bangladesh suggested, should create a good precedent for asserting the mandated role of the Assembly vis-à-vis other organs of the Authority.

Noting that the review report focused extensively on the work of the Legal and Technical Commission (LTC), among other organs, Bangladesh said that if the current election situation for the Commission was any proof, it did make sense that the Assembly took a serious look at recalibrating the mandates, size and composition of LTC, including apportioning some responsibilities to other parallel and mutually reinforcing mechanisms to further streamline its increasing workload.

The Assembly will meet again this afternoon to continue discussions on the interim report.