



REPUBLIC OF FIJI

Intervention on Agenda item 9: Report of the Article 154 Review Committee

Kingston Jamaica – 21 July, 2016 (Please check time of delivery)

Mr. President,

1. We wish to thank the President and the Review Committee for the work undertaken thus far and the report that has been presented for our consideration. We would like to highlight a number of issues as our contribution to the discussion under this agenda item.
2. As a general comment, we wish to underscore that this year marks a very important chapter for Oceans and the Law of the Sea, particularly on the contribution of all UN processes in the implementation of Goal 14 of the SDGs. We would like to emphasize that all ocean-related agencies and processes at the UN must continue working together to ensure the successful implementation of SDG 14.
3. In this connection, we refer to Part XI of the United Nations Convention on the Law of the Sea (UNCLOS), with particular focus on the implementation of the Convention to ensure the effective protection of the marine environment from harmful activities. Fiji attaches great importance to its obligations under the Convention, which is the monumental foundation that gives life to oceans governance and law of the sea.

4. Since the Authority came into existence in 1994, its work has evolved and expanded in terms of the increasing dimensions of its responsibilities for governing the Area. The review of the Authority is thus long overdue and must be expedited with a view to improving the Authority's functionality.
5. The findings of such review are crucial for the Authority to be relevant in the future with respect to the developments to govern the Area. In this regard, an important element to be factored into the Authority's work is the development of a legally-binding instrument on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdictions (BBNJ).

Mr. President,

6. There are a number of issues from the report worth further input. Firstly, on the Control and Monitoring of Seabed Activities by sponsoring states, the recommendation of a study on the adequacy of sponsoring states is supported. However, not only should control be on the legislation, monitoring must also be done physically on the ground, out there in the Area to ensure better control and more importantly environment protection. Fiji as a Small Island Developing State (SIDS) looks to the Authority to swiftly provide proper guidance on this issue to assist member states on mineral exploration work.
7. Secondly, is the overall performance of the Authority. In our assessment, the Authority has been performing with relative difficulty owing to the increased work-load, limited staffing numbers and financial constraints.

8. It is clear that the Assembly and the Council have also experienced challenges in the conduct of their work. The fact that the Assembly meets over a two-week period, interspersed with the Council meetings, has proven to be a barrier to the full participation by all member states at annual sessions. With the exception of this session, we have observed that this arrangement contributes to the lack of representation and attendance at annual sessions. We therefore need to revisit the structure, timing and organization of the Assembly's and Council's work to encourage greater participation. One possible approach is to split the Council session from the Assembly so that the Council meets the week before the Assembly.
9. Turning to the Legal and Technical Commission (LTC), we recognize the important role it plays within the structure of the Authority. However, the increased workload, limited meeting slots and the demand for relevant expertise to match the evolving scope of the Commission's work, have presented obstacles in the efficient and effective functioning of this body. We therefore need to identify innovative solutions to enable the LTC to perform optimally. Additionally, to ensure the dynamic performance of the Authority, the concerns raised by some member states on the transparency of the LTC work needs to be addressed too.
10. On the Economic and Planning Commission (EPC), we would like to recommend its activation to ensure that it is operational as recommended in Paragraph 29 of the Report of the Review Committee.
11. Understandably, the Authority's work over the years have expanded and increased to a level that is stretching existing capability. It is therefore necessary that a mechanism be established to plan the future work of the Authority. In our view, this will ensure that the Authority has a long-term plan based on a clear and strategic

overview of its tasks, driven by the Assembly taking into account the environmental protection measures. Essentially, the Authority needs to reform to meet modern day demands, challenges and opportunities. This includes exploration reaching advanced stages and seeking extensions of contracts, exploration reaching exploitation stage and dealing with application for mining contracts, our environment obligations (conservation and protection) and opportunities such as activating the enterprise.

12. Finally, we recognize that more work remains to be done to take account of the significant increase in demand and interest for marine resources in the Area. The Authority should be strengthened through the provision of appropriate financial, technological and human resources to adapt to these challenges and future demand through more strategic planning. And as discussions in Oceans processes surround the proposal that the ISA might have to expand its mandate to be the international legal body that governs and manages all activities within the Area with the new legally binding instrument, then we must be ready to accommodate / embrace.

13. I thank you.

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