

**Statement of H.E. Mr. Mahe ‘U. S. Tupouniua
Permanent Representative of the Kingdom of Tonga to the United Nations
On Agenda No.9 of the Assembly – Report of the Article 154 Review Committee**

Wednesday, 20th July 2016, Kingston, Jamaica

Mr. President,

1. Good afternoon, and good afternoon Excellencies and Colleagues. Thank you Mr. President for giving me the floor at this time to make a number of observations on the interim report of the consultants. Thank you also for the Review Committee’s comments on the report as well. I must say that we are elated that this long-overdue process has been a long time coming resulting in this interim report. In 2014 at the 20th Anniversary celebratory session of the Authority, my delegation, amongst others, had called for this timely review to take place and we are grateful for the hard work that has gone into this issue by the Committee and all interested state parties.

Mr. President,

2. In the last several days, an interesting session of the Council down the hallway has evidenced a clear reason as to the merits of the need for this holistic review of the strategic vision and operations of the Authority. What ever decision of course that is made by the Council pursuant to its own powers under the Convention, this august body, pursuant to its powers under the same, can and should review it to ensure the strategic development framework of the Authority, whatever the Assembly decides it to be, and possible corporate plans of the organs and subsidiary organs of the Authority, are “fit-for-purpose” from time to time. We have heard very valid questions and concerns related to what exactly is the meaning of “economic and efficient” is and the meaning of “due account of the need for equitable geographical distribution and the representation of special interests”when considering the expansion of the Legal and Technical Commission. We have also heard very valid and useful questions raised in that regard to what might be an optimal size of the LTC is, and what might be the relevant expertise needed in the Council from time to time. The point is that all decisions and processes of all the organs which are taken at this session, or previous sessions, are based on planning and operations of the Authority today, and yesterday, but can and should be reviewed by this process, to ensure a better functioning of the Authority tomorrow.

Mr. President,

3. I wish to proceed now on making some more specific comments on the interim report. You will note that a number of my comments overlap with that of the Review Committee's comments on the same.

4. On the issue of effective control, my delegation places utmost importance on this issue and wholly supports the recommendation of a study on the adequacy or effectiveness of sponsoring States' legislation to control commercial entities with whom they have entered into a legal relationship with. As my delegation had mentioned in the Council, it was almost 2 years ago during the final week of the Assembly, that we managed to pass our Seabed Minerals Act through parliament. One of the main incentives to enact this law was to conform with the advisory opinion of the Seabed Disputes Chamber. The regulations to our Seabed Minerals Act is almost ready for submission to Cabinet and to Parliament for confirmation this year.

5. On the issue of the Authority not sufficiently addressing the importance of the economic aspects of its mandate, we do agree with that. It may have been the case that early phases of the Authority's work, concentration on the more scientific aspects of its work was paramount. However, as we inch closer to the exploitation phase of our work, the need to put in place appropriate frameworks related to the economic implication of mining to ensure fairness and equity is essential. We note that the Economic Planning Commission's functions are still within the purview of the Legal and Technical Commission and so, short of activating the EPC, the review should ensure that the appropriate expertise in development economics and international trade are instilled within the LTC. So we support recommendation 8 in the mid-term report.

6. The issue of seabed mining being inherently destructive goes without saying. The measure as to how much destruction can the environment take becomes prominent. Being from a region of the world that abuts the CCZ, the protection and preservation of the marine environment is crucial for us. Any adverse destruction to the environment will have negative implications for our islands. Therefore we strongly support recommendation 9 to ensure, like the need for economic expertise to be within the LTC, so is the need for expertise in the protection and preservation of the marine environment to be present within the LTC, and the secretariat also.

7. Regarding the issue of the workload of the LTC, I think we all agree that it is heavy and increasingly so. There is merit then in having the Commission meet for another round of talks annually however we think, as rightly pointed out by the Review Committee, this may not be feasible given the cost implications as well as the schedules of the Commissioners themselves. Having said that, we cannot overlook the reports which indicate the need for further specific expertise in the Commission, or the verbal submissions and iterations that adding more qualified members would make for lighter work of the load put on the Commissions shoulders. The issue of the amount of work carried given to the Council is an issue too given as the LTC is charged with more and more work from the Council, this would likewise increase the amount of work before the

Council as well. There therefore is merit as suggested by recommendation 18 of the interim report as well as that in the Committee's report, that the Council may need to meet twice annually.

Mr. President,

8. To conclude, the efficient, effective, and economic functioning of the “new” Authority and all its organs and subsidiary organs, will not be realized without an appropriate strategic development framework. Within this strategy, one may find corporate plans of each of the organs and subsidiary bodies, and committees of the Authority. And within these plans will reside the specifics of how each component of the Authority operates for the betterment of the Authority as a whole in achieving its strategic aims. We therefore share the intention behind recommendation 31 where an initial draft strategic development framework is proposed comprised of various corporate plans for our further consideration. Setting a strategic vision for the Authority, its programme of work or corporate plans of the various organs and subsidiary organs and committees, an outline of a “fit-for-purpose” structure or organization, and a budget is crucial. We might add the need also for KPIs or key performance indicators, as well as deliverables both on an annual basis and / or after the strategy expires and due for renewal.

Mr. President,

9. These are just some of our preliminary observations on the interim report and we look forward to the final outcome for consideration at the 23rd Session.

Thank you Mr. President.