

Statement of H.E. Mr. Mahe ‘U.S Tupouniua
Secretary for Foreign Affairs and Head of Delegation of the Kingdom of Tonga
To the 24th Session of the International Seabed Authority
On Agenda Item 8 of the Assembly: Report of the Secretary-General

Kingston, Tuesday, 24th July 2018

Mr. President,

Good morning and thank you for the floor.

Allow me at the outset to first align our statement with that delivered by the Head of Delegation of the Republic of Nauru on behalf of the Pacific Islands Forum Members present here. We also wish to align with previous distinguished delegations in congratulating you on your election to the Presidency of this august body for the 24th Session of the International Seabed Authority. The East European Group could not have nominated a more suitable person for election to the prestigious position that you now hold. My delegation pledges its full support of your Presidency throughout this Session.

Mr. President,

Tonga would also like to take this opportunity to thank the host Country, Jamaica, for the warm welcome which we have and continue to experience during our time here. It is always a pleasure to return to the Home of the All Right! We note and support the ongoing collaboration between the Authority and the host government of Jamaica.

Mr. President,

We would like to express our gratitude to the Secretary-General for the comprehensive and holistic report that he had presented to us yesterday and circulated in hard copy. The report clearly provides a detailed overview of the progressive work carried out by the Authority thus far, and we congratulate the Secretary-General for the significant progress made and convey our support for the ongoing good work. In this regard, Tonga will make a number of comments and observations on certain sections of the Report.

Mr. President,

Last week during the session of the Council, we had the opportunity to hear from the Chair of the Finance Committee about the work that is currently underway on the development of the equitable sharing criteria, particularly on the guidelines for the implementation of Article 82, paragraph 4 of UNCLOS. We note with particular interest the various developments to-date, in particular, the ISA Technical Study No.15, the joint meeting between the Legal and Technical Commission and the Finance Committee which took place earlier this month, and the request made by the Finance Committee to the Secretary-General to commission a report on the proposed criteria for benefit-sharing.

Tonga is of the view that a clear and thorough report should be prepared by the Secretary General, setting out the various efforts and work carried out to-date on the development of these rules or guidelines on the benefit sharing criteria, the principles, issues and considerations made, and the consultations to-date, and submitted to the Council and the Assembly at the 25th Session of the Authority for consideration.

Mr. President,

Acceding to the Part XI agreement is vital and we take note of the slow increase in State parties to UNCLOS acceding to the Agreement. We join the Secretary-General in encouraging the remaining State parties to UNCLOS to accede to the Part XI Agreement. Additionally, as a party

to the Part XI agreement, contributions from member states are vital for the operation of the Authority particularly in delivering its mandate. Tonga in this regard wishes to encourage member states to ensure contributions are made in a timely manner.

Mr. President,

On Part VIII, and as highlighted during our deliberations in the Council, we wish to acknowledge with appreciation the contributions to the Voluntary Trust Fund which has allowed for the participation of one of our members at the second part of the 24th Session of the Council and the participation of a Tongan national who is currently a member of the Legal and Technical Commission.

Tonga is also appreciative to have been one of the developing countries to benefit from the Endowment Fund for supporting marine scientific research (MSR) in the Area. Tonga as a small island developing State that faces the ongoing challenges of financial and technological constraints, wishes to highlight the importance of additional contributions to the Fund, and to promote and encourage the conduct of MSR in the Area for the benefit of mankind as a whole.

Mr. President,

On Part XI, the relationship and collaboration of the Authority with the United Nations and other relevant international organizations and bodies, is becoming ever more relevant to better promote and enhance its mandate. We are pleased with the ongoing commitments of the Secretary General to ensure and enhance the cooperation of the Authority with relevant organizations, particularly where the question and application of “due regard to other marine users” as highlighted in the Convention, becomes ever more important due to the various marine users and their respective legitimate rights and interests. In this regard, we highlight and acknowledge with appreciation the work of the Secretary General in his various meetings, initiatives and partnerships, including the UN-Oceans, ITLOS, UNESCO-IOC and IMO.

Tonga is also pleased to see the efforts of the Secretary-General in the implementation of voluntary commitments made by the Authority during the United Nations Ocean Conference 2017. In this regard, we look forward, as Nauru pointed out on behalf of the Pacific Islands Forum, to the Authority's workshop to be held in Tonga in November 2018, in collaboration with UN-DESA and the Pacific Community.

Mr. President,

On Part XIII, we thank the Secretary-General for incorporating a dedicated section in his report providing an overview of decisions of the Assembly which have been implemented, and summary reports of previous sessions. This will allow us to recall the work undertaken in our previous sessions, keep track of decisions made and those which have been implemented, particularly in relation to the Article 154 review.

Tonga wishes to acknowledge the successful implementation of the revised meeting schedule this year which has proven useful particularly for the development of the mining code and the ongoing administration of Activities in the Area.

Tonga also wishes to thank the Secretary General for the revised draft strategic plan 2019 to 2023 and for the consultations undertaken in its development. My delegation will make comments on this revised strategic plan under Agenda Item 9.

Mr. President,

The progress and development of a robust regulatory regime is essential for the Authority's effective administration of activities in the Area for present and future generations to come. We note the significant progress made on the draft exploitation regulations. We also take note of the work of the Council and the invitation for further submissions from Council members on the draft regulations by 30th September 2018. We highlight the ongoing importance of transparency in the development of the draft regulations. We also wish to highlight the importance of joint meetings between the Finance Committee and the Legal and Technical Commission in the development of an appropriate financial mechanism for the draft regulations. On the issue of national laws, we

commend the work that is underway to undertake a comparative study in accordance with Article 154, and we look forward to receiving this study in advance of the 25th Session of the Authority.

Finally, Mr. President,

On the issue of capacity-building, Tonga has been very fortunate to have benefited from the Authority's on-going capacity-building and training programs. And in fact, Tonga, through a joint capacity building project with the Government of Italy, has been able to fund young Tongan civil servants working in the area of the environment, law, and economics under a Fellowship programme known as the Tonga Fellowship on the Environment and Ocean based with the Tonga Mission in New York, to attend and participate in the annual sessions of the Authority, since 2016.

Nevertheless, we think these efforts should also be long-term and sustainable. Therefore, Tonga would like to echo the need for maintaining and making additional contributions towards the Endowment Fund, as this is one of the principal mechanisms for enabling capacity-building in the field of MSR in the Area, particularly for small island developing States such as Tonga. The programs should be consistent and results-oriented, addressing capacity gaps of States parties in implementing national obligations and responsibilities.

I thank you Mr. President.