

23<sup>rd</sup> Session of the International Seabed Authority

16<sup>th</sup> August 2017

Assembly

Agenda item 9: Consideration of the final report of the Committee established by the Assembly to carry out a periodic review of the international regime of the Area pursuant to article 154 of the United Nations Convention on the Law of the Sea.

### **Intervention by GRULAC**

Mr President,

Thank you for giving me the floor.

On behalf of GRULAC, let me express our appreciation for the work carried out by Ambassador Helmut Tuerk as Chair of the Committee established by the assembly for the first periodic review of the international regime of the Area pursuant to Article 154 of UNCLOS. The Review Committee has also counted on the vice-chair and former President of the ISA Assembly, Rear Admiral Mohammad Khurshed Alam.

We would also like to thank the former Secretary-General, Mr. Nii Odunton, and current the Secretary-General, Mr. Michael Lodge, for all the administrative and logistical support provided to the work of the Committee, as well as for the comments presented in document ISBA/23/A/5/Rev.1 on the recommendations contained in the final report of the Review Committee.

GRULAC expresses its satisfaction that the recommendations contained in the final report were approved by consensus by the Review Committee, which - as all member States know – was also integrated by the Chair of the Council and representatives of all regional groups (as Vice-Presidents of the Assembly) and by observers designated by each regional group.

During the discussions on the matter, GRULAC expressed its disappointment with the methodology applied by the Seascope Consultants Limited on its report to the Review Committee. This position, supported by other member states and regional groups, was to some extent reflected in paragraph 6 of the Final report (document ISBA/23/A/3).

An interim report was circulated and several improvements were added to the text. After a series of debates and consultations the Review Committee was able to streamline and agree on a set of 19 recommendations, which took into account consultations with the regional groups through their representatives and observers in the Review Committee as well as comments, replies and technical support from the Secretary-General and the Secretariat. It was a teamwork.

Responding to a request by the Review Committee, the Secretary-General prepared a report (document ISBA/23/A/5/Rev.1) with comments – from the point of view of the Secretariat - on each recommendation contained in the Final Report.

GRULAC has met several times in Kingston since last March to examine and discuss the main issues of the 23<sup>rd</sup> Session of the ISA. There was consensus on GRULAC on the final report and the recommendations presented by Ambassador Tuerk on behalf of the Review Committee.

Considering that this is the first time that member states comply with Article 154 of UNCLOS to carry out a periodic review (in every five years), GRULAC believes that the report and recommendations should be approved and implemented. In fact, what we need is an implementation strategic plan, as indicated in recommendation 17, and the Secretary-General has already underlined it in paragraph 4, item a, of his report.

GRULAC also believes that this first review exercise on the matter should also be considered for its successes and its flaws, that is, as a learning process for the next periodic review that this assembly shall redo in five years.

The fact that GRULAC is ready to support the set of the recommendations presented by the Review Committee as well as the comments of the Secretary-General DOES NOT mean that there are no

comments to be made by delegations on their views, concerns and priorities during the present debate.

In this context and without prejudice to additional comments that may be made by members of the GRULAC during our debates, I would like to mention concerns expressed by members of our regional group during our coordination meetings on some recommendations.

Mr. President, let me humbly suggest – just to make my intervention less long - that delegations have at hand the final report, that is, document ISBA/23/A/3, from page 4 on so I don't need to read the full text of the recommendations that I will mention now:

*(I) Recommendation 5. The emphasis shall be on avoiding additional costs for the Authority and Member States.*

*(II) Recommendation 8. This recommendation refers to the process of drafting exploitation regulations, which is currently in the hands of the Legal and Technical Commission. In this regard, we should avoid any pressure on the members of the LTC, whose independence and integrity are requirements for the proper exercise of their functions.*

*(III) Recommendation 10. Like recommendation number 5, it refers to the meetings of the Council, in particular by promoting the increase in the number of its sessions. In this sense, we should avoid any initiative that contributes to an increase of costs and, therefore, indirectly to a restriction on the possibility of participation of representatives/members of developing countries in the meetings.*

*(IV) Recommendation 14. With regard to this recommendation we should recall the autonomy of the Legal and Technical Commission in relation to its working modalities, as well as the fact that it already carries out, in its usual practice, the division of its members into working groups whenever necessary.*

*(V) Recommendation 16. The objective of providing greater transparency to the work of the Legal and Technical Commission is positive, but should be weighed against the need to preserve the confidentiality of its deliberations as a guarantee of its independence.*

*(VI) Recommendation 19. It also seeks somehow to determine the content of the exploitation regulations, which are currently being drafted by the*

*Legal and Technical Commission. While the specific content of this recommendation is not questionable a priori, we should underline this point.*

These are the initial comments that GRULAC would like to make on this item of the agenda, hoping that they will help you to conclude successfully and by consensus the Assembly's appreciation on the matter.

Thank you