



**STATEMENT BY AMBASSADOR HELMUT TUERK
CHAIR OF THE ARTICLE 154 REVIEW COMMITTEE**

Wednesday, 16 August 2017

Agenda item No. 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

Mr. President,

Mr. Secretary-General,

Excellencies,

Distinguished delegates,

1. It gives me particular pleasure in my capacity as the Chair of the Review Committee, established by the Assembly of the International Seabed Authority at its 21st Session in 2015, to oversee the overall conduct of the review of the international regime of the Area pursuant to article 154 of the United Nations Convention on the Law of the Sea, to present today to the Assembly the Final Report of the Review Committee, contained in **Document ISBA/23/A/3**;

2. In doing so, let me first of all, thank all the Members and Observers of the Review Committee for their great efforts regarding this important review. It was truly a pleasure intensely working with them on this great task. I also wish to express my sincere appreciation to the former Secretary-General of the Authority, Mr. Nii Allotey Odunton, for his most valuable support in the early stages of the review process as well as well the current Secretary-General for his indispensable contribution and major input in the course of the drafting of the Final Report, also providing excellent administrative

and logistical support. I especially wish to draw the attention of the Assembly, to the extensive comments, contained in **Document ISBA/23/A/5/Rev.1**, made by him with respect to the recommendations contained in the Final Report by the Review Committee. In paragraph (5) of his comments he generally welcomes the recommendations put forward by the Review Committee and also points out that several of them, including those aimed at improving internal processes within the Secretariat, have been acted upon already. I certainly must not fail to also thank the staff of the ISA Secretariat involved in the review process.

3. To my current presentation, the aforementioned documents are being attached:

(a) The final report on the periodic review of the International Seabed Authority pursuant to article 154 of the United Nations Convention on the Law of the Sea, annexed to the letter, dated 3 February 2017, from the Chair of the Review Committee addressed to the Secretary-General.

(b) Comments by the Secretary-General on the recommendations contained in the final report on the periodic review of the International Seabed Authority pursuant to article 154 of the United Nations Convention on the Law of the Sea.

In line with the Authority's Paper Smart Policy, copies of these documents to which I have referred are available for viewing at the website of the Authority.

Mr. President, distinguished delegates,

4. As you will recall, the Assembly of the Authority in its decision dated 24 July 2015 (**ISBA/21/A/9/Rev.1**) relating to the article 154 review, decided that such review be carried out under the oversight of a review committee comprising the President and the Bureau of the Assembly, the President of the Council, with the President of the 21st Session of the Assembly remaining a member of the Committee until the completion of the review. It was further decided that an interim report, including comments by the Secretariat, the Legal and Technical Commission and the Finance Committee of the Authority was to be presented to the Assembly at its 22nd Session in 2016 and a Final Report, including any recommendations to be presented by the Review Committee at its 23rd Session in 2017.

5. With the benefit of hindsight I wish to highlight that it was truly a wise decision by the Assembly to conduct the article 154 review in a two-year period. It would have been extremely difficult if not altogether impossible for a review committee to present a report with considered recommendations after only one year. That procedure should therefore also be borne in mind when deciding to engage in the next review process in five years. As you aware, the Assembly had further decided that the Chairs of the Regional Groups might also participate as observers in the Review Committee. This procedure can likewise be recommended for the future as the participation by the representatives of the Regional Groups provided a much broader basis for the deliberations and decisions of the Committee, all of which were taken by consensus. I believe that this may also facilitate the consideration of the Final Report by the Assembly.

6. In the aforementioned decision, the Assembly had further decided that the review be conducted by independent consultants appointed by the Review Committee, based on a short list of qualified consultants prepared by the Secretary-General according to the established procurement procedures of the Authority. In my oral report to the 22nd Session of the Assembly on 20 July 2016 I presented a detailed outline of the procedure regarding the selection of Seascope Consultants Limited for preparing first an interim report for the Assembly to be considered at its 22nd Session and a revised interim report or “final report” for the present Session. Let me at this juncture express my appreciation to the Consultants for the timely submission of their interim report and of their final report even ahead of schedule.

7. The Review Committee in its composition, as decided at the 21st Session of the Assembly, met twice on 12 and 13 January 2016, and on 24 and 25 May 2016 at the headquarters of the Authority. At its first meeting, the Committee also met with members of the consultancy team from Seascope Consultants Limited, issuing a Letter of Appointment. The purpose of the second meeting was for the Review Committee to formulate and discuss its comments on the interim report which were brought to the attention of the Assembly at its last Session.

8. I further wish to recall that the Assembly at its 22nd Session, after considering the interim report by Seascope, dated 15 May 2016, and the comments made in respect thereto, decided to provide States parties, observers and stakeholders a further

opportunity to submit written observation on that report, and the comments thereto, before 15 October 2016, including, if they had not done so, to reply to the questionnaire drawn up by Seascope. This questionnaire - here I would like to add some precision to point six of the Final Report of the Review Committee - was subsequently transmitted by the Secretary-General to all groups of stakeholders involved with the Authority.

9. Following the 22nd Session of the Authority, the Review Committee was composed of the following Members and Observers:

Members

Ambassador Helmut Tuerk	- Chair of the Review Committee
Rear Admiral Md Khurshed Alam	- President of the Assembly
Mr. Mariusz Orion Jedrysek (represented by Michal Dajek and Mr. Andrzej Przybycin)	- President of the Council
Mr. Eugenio Joao Muianga (Mozambique)	- African Group (Bureau Member)
Mr. Branislav Zec (Slovak Republic)	- Eastern European Group (Bureau Member)
Amb. Carlos Alberto M. den Hartog (Brazil)	- GRULAC (Bureau Member)
Mr. Kenneth Wong (Canada)	- WEOG (Bureau Member)

Observers

Amb. Mahe Sandhurst Tupouniua (Tonga)	- Asia-Pacific Group
Mr. Philip Riley (South Africa)	- African Group
Ms. Petra Benesova (Czech Republic)	- Eastern European Group
Amb. Ariel Fernandez (Argentina)	- GRULAC
Ms. Carmen Rives Ruiz-Tapiador (Spain)	- WEOG (representing New Zealand)

10. At its meeting, held in Kingston from 30 January to 3 February 2017, the Review Committee carefully studied the revised interim report submitted by the Consultants. It noted that the number of recommendations had been reduced from 50 in their interim report to 34 in their final report, some of which had also been re-worded. Let me underline that the Committee would have hoped for a higher response rate, in particular by the members of the Authority, to the questionnaire transmitted by the Secretary-

General to all groups of stakeholders, as this would have facilitated its work in assessing the support a recommendation might actually enjoy in the Assembly. This is a matter that should once again be borne in mind by the Assembly when engaging in the next article 154 periodic review, should a procedure involving such a questionnaire again be followed.

11. The Review Committee carefully analyzed each of the recommendations contained in the Consultant's final report, reducing their number to 19 and endeavouring to add more precision to some of them. The Committee considered that the revised interim report by the Consultants overall provided a useful basis for its discussions. It largely constituted the "groundwork" for its deliberations. The Committee was also highly grateful for the additional information regarding certain aspects of the recommendations under consideration provided by the Secretary-General.

12. I wish to highlight that the Review Committee in drafting its own recommendations was, first of all, guided by the principle of adhering to the parameters set by the United Nations Convention on the Law of the Sea and related instruments. To a certain extent it is also suggesting to move some of the procedures hitherto followed by the Authority closer to the provisions of the Convention.

13. In analyzing the recommendations suggested by the Consultants, the Committee decided not to pursue some of them, not because they might not be of some merit, but because it was considered that they were too far removed from the practices the International Seabed Authority has developed in the years since its establishment. Other recommendations were regarded as premature at the present stage of evolution of the Authority. In the course of a future review process, a number of these recommendations might well be re-considered with a view to seeing whether time might have come for their adoption.

14. It should also be mentioned that the fact that the Consultants were able to submit their revised interim report ahead of schedule made it somewhat easier for the Review Committee to finalize its work at an early stage enabling the Secretary-General to transmit its Final Report to States parties well ahead of the deadline of 15 April 2017 as mandated by the respective decision of the Assembly.

15. Summing up, let me emphasize that overall the Review Committee adopted a cautious and prudent approach in formulating its recommendations also in light of the consideration that in such a manner a consensus within the Assembly might be easier to achieve. This may perhaps disappoint some of you who may have wished for a more far-reaching approach and more audacious recommendations.

16. The Review Committee thus considers the recommendations contained in its Final Report as a good foundation for the Assembly to take further action and to bring the first article 154 review of the international regime of the Area to a successful conclusion. As I have already indicated, these recommendations were adopted by the Review Committee by consensus. As you will also have noted, a brief reasoning has been given by the Committee with respect to each of its recommendations. In this presentation I will, however, just read out the recommendations themselves.

17. After the Assembly has concluded its deliberations on the present agenda item, it will be called upon to take appropriate action on the recommendations contained in the Final Report of the Review Committee in the form of a decision. As far as I can judge, it should not be too difficult to convert the recommendations, if they should find favour with the Assembly into a decision.

18. I am now very much looking forward to hearing comments and suggestions with respect to the recommendations of the Review Committee by the members of this august Assembly.

Thank you very much for your kind attention.