



Twenty-seventh Meeting of States Parties to the United Nations Convention on the Law of the Sea

UN Headquarters, 12-16 June 2017

Statement

By

H. E. Michael W. Lodge

Secretary-General, International Seabed Authority under agenda item 9: 'Information reported by the Secretary-General of the International Seabed Authority

.....

CHECK AGAINST DELIVERY

Greetings from Kingston, Jamaica.

I am very grateful to have this opportunity to provide some information to the MSP on the work of the International Seabed Authority.

It is a particular pleasure for me to do so at this time as this is the first time for me to address the meeting in this capacity. I wish to thank you for the many messages of support I have received since assuming office in January 2017 and I look forward to serving States Parties over the next four years.

I would like to pay tribute to my predecessor, Mr Nii Allotey Odunton of Ghana, who relinquished his position as Secretary-General of the Authority on 31 December 2016. I am sure you will join me in acknowledging his contribution to the work of the Authority.

Much has happened in the first few months of this year and it is difficult to cover everything in an oral intervention. I will therefore just highlight some of the key issues of concern to States Parties represented here and draw your attention to some of the main issues for discussion at the next annual session of the Authority in August.

Before doing so, I wish to draw your attention to three documents that have been made available today:

- First is the advance unedited text of the annual report of the Secretary-General pursuant to article 166, paragraph 4, of the Convention. A limited number of copies are available in the room and we have also submitted the document to UN Paper Smart.
- Second is the usual information note on matters before the twenty-third session of the Authority. This has been circulated to all Permanent Missions and is also available on the Authority's website.
- Third is a note on the financial situation of the Authority, which has been circulated in the room. I will return to this later in my presentation.

Membership of the Authority

I wish to begin by welcoming Azerbaijan to membership of the International Seabed Authority. Azerbaijan ratified the Convention on 16 June 2016, which meant that it was too late to participate in the twenty-second session of the Authority, but I hope you would be able to participate in the twenty-third session.

I regard Azerbaijan's accession as a very positive development because, as I pointed out in Partnership Dialogue 7 in last week's Oceans Conference, 12 of the 32 LLDCs are not yet party to the Convention and therefore missing out on the provisions in Part XI specifically intended for their benefit. I urge these States to join the Convention.

Another positive development was the fact that Ghana became a party to the 1994 Agreement on 23 September 2016. I congratulate Ghana on this achievement, which I know has taken a lot of effort.

I do wish to take this opportunity to remind MSP that there are still 18 States that have not ratified the Part XI Agreement even though they are parties to the Convention. I continue to make efforts to bring these States on board and in this regard I had circulated a note to all 18 States on 8 March 2017.

I also wish to take this opportunity to remind States Parties of the need to join the Protocol on the Privileges and Immunities of the Authority. Presently there are 42 parties to the Protocol, so there is clearly a long way to go.

I urge all States Parties to consider ratifying or acceding to the Protocol.

Financial situation of the Authority

Let me return to the note on the financial situation of the Authority.

I want to remind States Parties that assessed contributions to the budget of the Authority are due and payable by 31 January in each year. In this regard, I want to express my appreciation to

those 56 States Parties that have paid their assessed contributions for 2017 in full. It is very much appreciated.

I also want to urge those that have not yet paid in full to do so as soon as possible.

Unfortunately, I do need to say a few words about arrears of contributions. In dollar terms, the amount of arrears is not particularly high (\$561,808) but it is quite disturbing to note that the number of States that are in arrears is rather high. As of 31 May, 48 States were in arrears of contributions for two or more years, which means that, pursuant to article 184 of the Convention, their voting rights are suspended.

This is clearly not a satisfactory situation and I would urge all affected States to rectify this position as soon possible.

Article 154 Review

One of the most important tasks for the Assembly this year is to consider the final report of the Committee established under article 154 of the Convention to undertake a periodic review of the way in which the Part XI regime has operated.

The Committee met in January 2017 in Kingston to prepare its final report, which was issued as an official document in February 2017.

I wish to congratulate the Chair of the Committee, Ambassador Helmut Tuerk of Austria, on bringing the work of the Committee to a timely conclusion and I commend Ambassador Tuerk, as well as all members of the Committee – Argentina, Bangladesh, Brazil, Cameroon, Canada, Czech Republic, Poland, South Africa and Tonga – on their hard work and dedication.

The final report of the Committee contains 19 recommendations for consideration by the Assembly, which is reduced from an original 55 draft recommendations. Among the most important are recommendations for a strategic plan to guide the work of the Authority; an enhanced role for the Assembly in setting policy; an increase of transparency across all the organs of the Authority; an enhanced internal functioning of the Secretariat; and a revised pattern of meetings to promote broader participation as well as to reflect the fact that the work of the Authority has changed radically since 1994.

As regards the latter recommendation, the Review Committee had requested me to prepare a proposal for a revised schedule of meetings for the consideration of the Assembly.

In light of that request, I had consulted as widely as possible with member States, including our host government, and I have prepared a proposal for a revised schedule of meetings for 2018 and 2019. I am told that this will be available in all languages during the course of this week.

The same document also contains my reactions to the other recommendations of the Review Committee that concern the Secretariat or that require action by the Secretary-General.

Of course, any proposal necessarily reflects a compromise between many competing considerations. It is not perfect, but we do think it is the best we can come up with at this time.

States Parties will have ample time to study those proposals, but in short I have tried to devise a system that gives pre-eminence to the Assembly as the supreme organ of the Authority, provides for additional meetings of the Council and Legal and Technical Commission, minimizes the additional costs to States Parties by running meetings back to back where possible, can be accommodated within existing financial provisions, and maximizes the opportunities for improving attendance at meetings of the Assembly.

Contracts for exploration

I am pleased to inform the MSP that, on 12 May 2017, I visited Beijing to sign a contract for exploration with China Minmetals Corporation. This means that the number of approved plans of work for exploration is now 28.

I wish to congratulate China Minmetals on becoming our newest contractor. I also wish to congratulate China on becoming the first State Party to have sponsored four plans of work for exploration in the Area, as well as on the adoption of national legislation to govern the sponsorship of activities in the Area. This is a remarkable achievement.

In January 2017, Poland submitted a new application for a plan of work for exploration for polymetallic sulphides on the Mid-Atlantic Ridge. This will be considered by the Legal and Technical Commission in August.

Information about the contractors with the Authority, as well as maps showing the location of exploration activities, are available on the Authority's website.

Development of the Mining Code

As identified by the Council in 2014, the chief priority for the Authority at this time is to deliver a Mining Code that will enable contractors to move from exploration to exploitation.

Over the past three years, we have been making steady and deliberate progress on the different elements of the Code.

In July 2016, the Legal and Technical Commission issued a 'Zero Draft' of the exploitation regulations. This was made available for public consultation until November 2016. The results of that consultation were considered by the Commission at its recent meetings in Kingston in February 2017.

In March 2017, the Authority collaborated with two German agencies, BGR and UBA, to convene an international workshop in Berlin on environmental regulation of deep seabed mining. The workshop provided an opportunity for a broad range of stakeholder input into the process of developing environmental regulations and I would like to express our sincere appreciation to the Government of Germany for its support for this workshop.

As a result of all the work that has been done, I am cautiously optimistic that, by the time the Authority's annual session takes place in August 2017, it will be possible to issue a substantially revised first draft of the Mining Code which could be circulated for another round of stakeholder consultation.

Twenty-third session of the Authority

That brings me on to the question of the twenty-third session of the Authority, which will be held in Kingston from 31 July to 18 August. The first week of meetings, from 31 July to 4 August 2017, will be devoted to meetings of the Legal and Technical Commission and the Finance Committee. The Assembly will formally convene its opening meeting on Tuesday 8 August, 2017, to be followed by the opening meeting of the Council. The Assembly will resume its meetings on 15 August 2017, following the completion of all agenda items of the Council.

Let me take this opportunity to remind States Parties that it is the turn of the African States Group to nominate a candidate for the Presidency of the Assembly, and the turn of the Latin American and Caribbean States Group to nominate a candidate for the presidency of the Council. In this connection, it would be very helpful to the Secretariat, and also so as to facilitate the smooth running of the session, if regional groups could coordinate on the nominations for these positions in advance of the session.

The information note I drew to your attention at the beginning of this intervention contains details of the matters to be considered by the various organs of the Authority. In the interests of time, I will not repeat those matters.

Other activities of the Authority

I want to refer to the excellent working relationship between the Authority, DOALOS, ITLOS and the CLCS.

In this regard, the Authority was pleased to participate at the symposium convened by H.E. President Golitsyn in Hamburg on 18 March 2017 entitled "ITLOS at 20: Looking into the future". I had the opportunity to give a presentation focusing on the advisory and contentious jurisdiction of the Seabed Disputes Chamber of the Tribunal.

Moreover, the Authority was honoured to speak at the open meeting of the Commission on the Limits of the Continental Shelf on 10 March 2017 to celebrate the 20th anniversary of its establishment. At this occasion, the specific and narrowly defined mandates and responsibilities of both the Commission and the Authority were underlined as well as the importance of the establishment of the outer limits of the continental shelf for the Authority to be able to effectively fulfil its responsibilities under the Convention. This is a matter that I have also referred to in my annual report to the Assembly.

Earlier this year, it was my honour to host the annual face to face meeting of UN-Oceans in Kingston – the first time the Authority has hosted such a meeting. I wish to thank all members of UN-Oceans for their support, but particularly to acknowledge the great support and assistance of Director Goettsche-Wanli and the staff of DOALOS in the preparations for this meeting.

Last week, during the United Nations Conference to support the implementation of SDG14, the Authority made interventions in Plenary as well as in partnership dialogues 5 and 6, and I was privileged to be invited to be a panelist in partnership dialogue 7.

The Authority also participated in two side events and hosted its own side event. I participated in a side event convened by UN-Oceans and I was also honoured to speak at a side event for landlocked developing countries convened by the High Representative for the Least Developed Countries, Landlocked Developing Countries and SIDS. Our own side event, which was co-sponsored by the Authority, the Governments of Tonga and Mexico, and UN-DESA focused on capacity building and the economic benefits to SIDS of seabed mining.

The Authority also registered seven voluntary commitments for the Conference, including one in collaboration with UN-DESA and two in collaboration with the African Minerals Development Centre of UNECA.

The latter collaboration in fact arose out of a workshop held in May 2017 in Kampala, Uganda on the prospects for Africa of developing the resources of the continental shelf and deep seabed beyond national jurisdiction. This workshop, convened in collaboration with the African Minerals Development Centre and GRID-Arendal (Norway) and the Pew Charitable Trusts, was the first workshop to be held by the Authority in a landlocked developing country, and was attended by more than 15 African States.

I wish to acknowledge the support of our partners in convening this workshop, as well as the many experts that contributed their time and expertise, but especially to thank Ambassador Duncan Laki and the Government of Uganda for their support and assistance.

The workshop revealed the tremendous interest of African States in the work of the Authority and in the Convention as a whole, but also the pressing need for more attention and funding to be allocated to capacity building efforts by the Authority and other institutions connected with the law of the sea. I have to emphasize that the Authority has no budget for capacity-building and there is at present no extra-budgetary support for internships and training programmes. I welcome any interest in developing such programmes in partnership with the Authority.

Finally, Mr. Chairman, I wish to express my appreciation to our host, the Government of Jamaica, for the warm welcome given to me on assuming my position and to their tremendous support for the Authority.

I am delighted to say that we enjoy the very best of working relationships and that with the Government of Jamaica's commitment to bringing all UN agencies in Jamaica together under one roof at the Authority's headquarters, we can look forward to great days ahead.

I look forward to welcoming all of you to Kingston in August.