

Statement delivered by Costa Rican Ambassador Gina Guillén-Grillo

On behalf of GRULAC countries

Item 9: Annual Report of the Secretary General

26 Session of the Seabed Authority

December 2021

Je vous remercier, Monsieur le President.

I have the honour to take the floor on behalf of the Group of Latin American and Caribbean Countries, GRULAC.

At the outset, Mr. President, allow me to express how pleased GRULAC countries are to have you as our President, and to welcome you back in Jamaica, presiding this meeting of the Assembly.

GRULAC wishes to thank the Secretary General for his detailed reports, as well as the Secretariat team for their continued work and dedication amid these challenging times. We would also like to take this opportunity to thank the Legal Council and Deputy Secretary General, Alfonso Ascencio Herrera, for his constant willingness to help State Parties navigate the intricacies of the Authority's legal framework. Muchas gracias, Alfonso to you and your legal team!

Regarding the issues contained in the Secretary General's reports, our group would like to make the following comments:

GRULAC wishes to thank the countries and entities that have contributed to the voluntary trust funds for marine scientific research, as well as to the trust funds to defray the participation of members from developing countries to the meetings of the LTC, the Finance Committee and the Council. It is crucial to the essence of our organization that the views of every region can be represented on every one of its organs.

GRULAC is preoccupied, however, that the trust fund for the participation of members of developing countries in the meetings of the Council has not received contributions in 2021, and respectfully requests possible donors to consider contributing to this important fund.

As for the voluntary trust fund for the requisite funds for the work of the Special Representative of the SG for the Enterprise, GRULAC is deeply concerned that even though the fund has received generous donations, at this time it has been depleted. Now that the decision of the Council was to extend the mandate of the Special Representative, our GROUP appeals to possible donor to contribute so that the Special Representative can fulfil the role assigned by UNCLOS and the 1994 Agreement.

The figure and role of the Enterprise are of crucial importance to GRULAC. It was our group which in 1971 proposed the idea of the Enterprise to the United Nations Committee for the peaceful use of the seabed on areas beyond national jurisdictions in 1971.

In case contributions are not sufficient to allow for the Special Representative to comply with his responsibilities according to the 1994 Agreement, and taking into account the evolutionary approach, as well as the need for cost-effectiveness, GRULAC believes consideration should be given to the disposition included in Section 2, Article 1 of the Agreement, that states (and I quote) "The Secretariat of the Authority shall perform the functions of the Enterprise until it begins to operate independently of the Secretariat. The Secretary General of the Authority shall appoint from within the staff of the Authority an interim Director General to oversee the performance of these functions by the Secretariat".

Mr. President

GRULAC wants to congratulate the Legal and Technical Commission for its hard work during these difficult pandemic times. We are very proud of the achievements under the Presidency of Miss Michel Walker, a representative from our region who led with distinction the work of this important technical organ during her presidency. GRULAC would also like to congratulate Mr. Harald Brekke for his election as chair and Mr. Thembile Joyini for his election as vice chair

Our Group appreciates, among other important results of the work of the LTC, the preparation of the first 10 Phase One Standards and Guidelines, which are an inherent part of the regulatory framework. We hope that a version including the proposals and comments received from stakeholders can be made available soon, in time for next year's discussions.

Mr. President

It has been unfortunate that no agreement could be reached regarding the process for the election of the members of the LTC during last week's meetings of the Council. Decision ISBA/22/C/29 of July 2016 decided that "No later than the 25th Session of the Authority, the Council will present a decision on a process to govern the next election of the members of the Commission and that due account should be taken of the need for equitable geographical distribution."

We are now closing the 26th session and no agreement has been possible. GRULAC continues to be open to working with our friends from other regional groups in order to find a solution, and we would like to thank the facilitator, Mr. Vladislav Kurbatsky, for his tireless efforts. We are hopeful that soon we will be able to reach a fair and just agreement so that the LTC can continue to be integrated by qualified members and that from the next election, due regard will be given to the need for equitable geographical distribution.

Regarding the work of the financial Committee, GRULAC also wishes to congratulate its members for the dedication and great efforts demonstrated in the results of their work.

In particular we thank the Committee for its report on the rules, regulations and procedures for the distribution of financial and other economic benefits from activities in the area. We take note of its recommendation that to further advance its work there is a need to receive guidance from the Assembly. Given the complex and technical nature of this issue, GRULAC would like to propose for the Secretariat to organize for next year, together with the Finance Committee, a webinar explaining each of the models analysed in the report, and their implications, as well as detail explanation of the proposed global fund, so that we can better

understand the repercussions of the different models and the way they would work. GRULAC would like to propose that this is added to next year's working agenda.

To continue advancing this important task in preparation for the eventual start of exploitation activities, GRULAC considers very relevant for the Economic Planning Commission to be operationalized soon.

Mr. President

Regarding the lack of advancement in the elaboration of the legal framework for exploitation, GRULAC understands that the unforeseeable circumstances of the Pandemic have hampered our possibilities to advance with the efficiency and efficacy desired.

Nonetheless , our GROUP believes that the roadmap for 2022, developed last week during the meetings of the Council , will allow to work in a more methodical manner on the draft legal framework. We also believe it is very useful that said roadmap will be reviewed by the end of 2022 to take stock of the advances; this will allow member states to move forward the work on the regulations and standards and guidelines according to the evaluation of results of the 2022 plan of work.

Mr. President

Our region is ready to continue contributing constructively to the discussions, so that we succeed in the elaboration of a robust legal framework which complies with the nature of Common Heritage of Humankind of the Area and its resources, while guaranteeing the peaceful use of said resources for the benefit of all humanity, including future generations.

For GRULAC countries, this must be achieved in observance of article 145 and Part XII of UNCLOS, as well as the other environmental dispositions of the 1994 Agreement, to ensure the effective protection of the marine environment .

I thank you, Mr. President.