SEABED ASSEMBLY CONCLUDES DEBATE ON REVIEW COMMITTEE’S INTERIM REPORT

The Assembly of the International Seabed Authority, meeting in Kingston this afternoon, moved ahead on its 18-point agenda completing consideration of the interim report of the Review Committee which reviewed the operations of the Authority and its subsidiaries.

The Committee was chaired by Helmut Tuerk of Austria who was appointed by the Assembly at last year’s session.

Fiji said that the review of the Authority’s operations was long overdue as its work had expanded in terms of its responsibilities for governing the Area. It must be expedited to improve the Authority’s functionality. Fiji supported the recommendation of a study on the control and monitoring of seabed activities by sponsoring States, and added that monitoring should include physical oversight in the Area to ensure environmental protection. The member also suggested that there was a need to revisit the structure and timing of the work of the Authority’s main organs to encourage greater participation, and to identify solutions to enable the Legal and Technical Commission to perform most effectively.

Australia welcomed the interim report, while noting the concerns voiced by Helmut Tuerk, Chairman of the Review Committee, with regard to the methodology used by the authors of the report. The representative encouraged members to submit their written input for the final report within the prescribed timeframe. She noted that activities in the Area would intensify, which meant that more meetings of the Legal and Technical Committee (LTC) might be needed.

Thailand supported recommendations of the interim report which aimed at transparency, improvement on human capacity and enhancement of working method of all organs and subsidiary organs of the Authority. It said the work of the Authority should be based on a long-term strategy is translated into a clear work programme, with a structured timeline considering the possibility that some contractors might be ready to proceed to exploitation stage in five years.
Singapore pointed out that there were useful recommendations in the interim report which could be implemented in the short term. One such was a recommendation that the secretariat prepare a list of decisions of the Council with a timetable for addressing them. This, the representative said, would enhance transparency and ensure that issues did not “fall by the wayside”. With regard to the next steps to be taken, she said the Review Committee should work together with the consultants responsible for the report to address any concerns.

China noted that the Authority had made good progress over the past two decades in terms of drafting legislation, institution building and increasing knowledge about the deep sea. The existing seabed regime had proved effective therefore its basic framework should not be changed or undermined by the periodic review. The representative advocated caution in setting up new organs which might create an unnecessary burden for States Parties. He said that some recommendations overstepped the terms of reference of the review and should not be included in the report.

The United Kingdom hailed the fact that all stakeholders were given an opportunity to share their views and had been invited to submit written comments. That demonstrated a participatory approach and an effort towards transparency. Like other delegations, it welcomed the emphasis on strategic planning apparent in the report. The representative warned that any recommendations emerging from the review should reflect the mandate of United Nations Convention on the Law of the Sea (UNCLOS) with regard to the roles of the various organs of the Authority.

The Netherlands declared that the periodic review was timely as the Authority was at a juncture to take decisions to reach full growth. The first priority was a work programme for formulating draft regulations for exploitation which, the speaker said, should ideally be completed by 2021. Taking this into account, the Authority might have to prepare itself for more frequent sessions of the Council if it is to meet its targets.

The Norwegian representative observed that the report produced under article 154 would play an important role in determining the way forward for the Authority in the years to come. He underscored the importance of respecting the designated roles of the various subsidiary bodies of the Authority; hence any recommendations about financial implications or requiring legal or technical expertise should not be adopted by the Assembly without prior consideration by the Finance Committee or Legal and Technical Commission respectively.

Algeria expressed concern that less than 15% of the members of the Assembly, and even less for the Council had participated in the survey disseminated by the consultants, which could not be considered representative. The speaker suggested that the questionnaire should be published on the official website of the Authority, and that it could have been distributed at the current Assembly meeting and the survey revised for the final report. Calling for more LTC meetings open to members of the Assembly and observers (in accordance with Rule 6 of the LTC Rules of Procedure), Algeria welcomed recommendation 17 of the report, which would limit closed sessions of LTC to commercial confidential matters only. It further suggested that there should be a concrete recommendation in the final report regarding the serious issue of attendance at the Authority’s annual sessions.

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The representative of India reminded the Assembly that the States Parties of the Authority were the primary stakeholders in the review process, and needed to be vigilant on behalf of mankind against any attempts to undermine the functioning of the organs of the Authority as established under the UNCLOS. He considered that China has made valid points in this regard.

Tonga said it shared the intention behind recommendation 31 of the Review in which an initial draft strategic development framework, comprised of various corporate plans for future consideration is proposed. The delegation said it was crucial to set a strategic vision for the Authority, its programme of work or corporate plans of the various organs and subsidiary organs and committees. Also important, Tonga said, was an outline of a “fit-for-purpose” structure or organization, and a budget as well as the need for key performance indicators (KPIs), and deliverables both on an annual basis and after the strategy expires and due for renewal.

Observers

Greenpeace International described the review as “forward looking” as it included best practice and the application of scientific knowledge, the precautionary approach and ecosystem approach to protect the marine environment. The organization said that as the review of article 154 moved forward, transparency and accountability of all bodies and the protection of the marine environment should be our guide.

World Wide Fund (WWF) welcomed the interim report saying it had already been described as a wake-up call in many respects particularly in moving the Authority towards being a fit for purpose structure. The Observer organisation said that in order to keep up with the growing workload and data capacity needs, the storage, use, analysis and communication of data and information needed to be reviewed and addressed with urgency in particular as the Authority moves towards being a body that governs and regulates potential exploitation of minerals in the Area.

Deep Sea Conservation Coalition said the Article 154 review was a critically important exercise undertaken by the Authority. The observer said it could agree with a number of its recommendations, including the need to make the work of the LTC more transparent and to limit closed sessions to those dealing with confidential commercial matters only. According to the coalition one of the biggest gaps it saw, in terms of structure, related to the capacity of the Authority to meet the environmental challenges of the work ahead.

The International Union for Conservation of Nature highlighted several points stemming from the comments of the Review Committee and the interim report. There was need, the representative said, for a strategic vision, including an environmental strategy, with clear environmental objectives that could be evaluated and enforced. The Authority would need to have the expertise necessary to ensure effective environmental management, which could possibly include the establishment of Environmental Committee. The observer called for continued improvements in transparency and stakeholder participation, and stressed the fundamental importance of securing the financial resources to develop and implement a strategic plan for fulfilling the Authority’s role as trustee on behalf of humankind.

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The Commonwealth Secretariat said the interim report was a good starting point that formed a solid basis for moving forward on the Authority’s first-ever review. It said the report provided the valuable opportunity to assemble various perspectives into one document, accessible to the Assembly. Aligning itself with views from Bangladesh, Fiji, Australia, Singapore, UK, India, and Tonga, the Commonwealth Secretariat said the review process in the coming year would need to first ensure that all States Parties and stakeholders had ample opportunity to submit comments on the interim report.

When the Assembly meets tomorrow morning it will consider a draft decision on the Interim Report. It is also scheduled to deal with agenda item 14, election of the Secretary-General and agenda item 15, election of members of the Finance Committee.