

**STATEMENT BY MICHAEL SHEWCHUK, LEGAL OFFICER, DOALOS / OLA UNITED NATIONS  
SECRETARIAT, AT THE TWENTY-THIRD SESSION OF THE ASSEMBLY OF THE  
INTERNATIONAL SEABED AUTHORITY  
  
KINGSTON, JAMAICA**

Mr. President,

As I am taking the floor for the first time at this session of the Assembly I wish to congratulate you, on behalf of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations, on your election to the presidency of the Assembly. I also take this opportunity to congratulate the members of the Bureau.

Mr. President, through you, I also wish to congratulate the Secretary-General of the International Seabed Authority for his election, and for a successful beginning of his tenure. Likewise, I also wish to thank the Secretary-General for inviting the Division to participate in this important session, and for his comprehensive report to the Assembly, pursuant to article 166 of the United Nations Convention on the Law of the Sea.

Mr. President,

Distinguished Delegates,

At the outset, I wish to express the deep appreciation of the Division to the Secretariat of the Authority for participating in the United Nations activities and also for its contributions to the twenty-seventh Meeting of States Parties; the second, third and fourth sessions of the Preparatory Committee established by United Nations General Assembly resolution 69/292: *Development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological*

*diversity of areas beyond national jurisdiction*; and the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development (the Oceans Conference), all of which took place in New York this year.

We also express our gratitude to the Secretariat of the Authority for its comprehensive contributions to the annual reports of the Secretary-General on ocean affairs and the law of the sea prepared by the Division and, more generally, for the excellent cooperation with the Division. In particular, the Division wishes to express its gratitude to the Secretariat of the Authority for this invitation to make a presentation in the workshop on “Marine Mineral Resources of Africa’s Continental Shelf and Adjacent International Seabed Area”, which was the first workshop co-organized by the Authority in a landlocked developing State Party to the Convention, namely, the Republic of Uganda. At that event, the Division had the opportunity to make a presentation on the status of consideration of submissions by the Commission on the Limits of the Continental Shelf and, more generally, on its mandate pursuant to the Convention and relevant General Assembly resolutions.

Mr. President,

Distinguished Delegates,

The Office of Legal Affairs, through the Division, discharges most of the functions of the Secretary-General under the Convention and the United Nations Fish Stocks Agreement, as well as the responsibilities entrusted to it pursuant to the mandates contained in the resolutions of the General Assembly on oceans and the law of the sea and sustainable fisheries, and on the development of an international legally-binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

In this connection, I would like to provide you with a brief update on oceans-related meetings held at United Nations Headquarters this year that are organized and serviced by the Division

and relevant to the work of the Authority. Additional information on these meetings, including the outcome reports, can also be found on the website of the Division.<sup>1</sup>

**Twenty-seventh Meeting of States Parties to the Convention (12 to 16 June 2017):** States Parties took note, inter alia, of a number of reports relating to the International Tribunal for the Law of the Sea and of the information reported on the International Seabed Authority by its Secretary-General, H.E. Mr. Michael Lodge.

Following the presentation by the Secretary-General of the Authority, delegations welcomed the continued work of the Authority on the development of comprehensive regulations and procedures on the exploitation of deep-sea mineral resources in the Area and encouraged further progress. In this regard, delegations stressed the need for these resources to be exploited in a way that was environmentally sustainable and would protect the marine environment from harmful effects, but in the context of a reliable regulatory framework to assure investors of a path to commercial deep-sea mining. Greater participation in the stakeholder consultations was also encouraged.

With regard to the general and systematic review of the manner in which the international regime of the Area established in the Convention has operated in practice, pursuant to article 154 of the Convention, States Parties welcomed the final report of the Review Committee. Delegations suggested that the Secretariat of the Authority could identify if input from other bodies was required and also highlight the recommendations that could be effected in the short-term.

Finally, several delegations expressed concerns about the arrears in payments to the Authority and about low attendance at sessions of the Assembly.

The Meeting also received information from the Chairperson of the Commission on the Limits of the Continental Shelf. The Commission facilitates the implementation of the Convention by making recommendations to coastal States on matters related to the establishment of the

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<sup>1</sup> <http://www.un.org/depts/los>.

outer limits of the continental shelf beyond 200 nautical miles. The recommendations are based on the examination of complex scientific and technical data and other information included in the submissions to the Commission by States Parties to the Convention.

The delineation of the outer limits of the continental shelf by coastal States, on the basis of the recommendations of the Commission, is of direct relevance for the work of the Authority and for the future implementation of article 82 of the Convention. The outer limits of the continental shelf not only bring clarity to the limits of national jurisdiction but also to those of the Area.

Since the twenty-second Meeting of the International Seabed Authority, the Commission has approved five new recommendations, namely, those in regard of the submissions made by Uruguay, the Cook Islands concerning the Manihiki Plateau, Argentina, South Africa in respect of the mainland of the territory of the Republic of South Africa and by the Federated States of Micronesia, Papua New Guinea and Solomon Islands, jointly, concerning the Ontong Java Plateau.

**Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects – Seventh and Eighth Meetings (3-9 August 2016, 17-18 April 2017, respectively):** Delegates will recall that the first five-year cycle of the Regular Process concluded in 2015 with the release of the First Global Integrated Marine Assessment. The first ‘World Ocean Assessment’, as it is often called, provided Member States for the first time with a global picture of the state of the marine environment, with integrated social and economic aspects, and a baseline to allow scientists and policy-makers to track changes in the global state of the marine environment over time as the Regular Process continues its work.

Some chapters of the Assessment are of particular relevance to the International Seabed Authority, including chapter 23 on “Offshore Mining Industries”, chapter 45 on “Hydrothermal Vents and Cold Seeps” and 51 on “Biological Communities on Seamounts and Other Submarine Features Potentially Threatened by Disturbance”.

The seventh and eighth meetings of the Ad Hoc Working Group of the Whole were held from 3 to 9 August 2016, and from 17 to 18 April 2017, respectively. The seventh meeting adopted recommendations to the seventy-first session of the General Assembly, including a programme of work for the period 2017 to 2020 for the second cycle of the Regular Process. The eighth meeting adopted Terms of reference and working methods of the Group of Experts for the implementation of the second cycle of the Regular Process, Terms of reference for National Focal Points and Terms of reference and working methods of the Group of Experts for the second cycle of the Regular Process.

Following the eighth meeting, the Bureau of the Ad Hoc Working Group prepared Guidelines for the first round of Workshops in 2017 to assist the Regular Process, which will guide the first round of five regional workshops to be held in 2017 in accordance with the programme of work. These workshops are intended to play a central role in raising the awareness of stakeholders to the Regular Process, in the identification and collection of data, in the identification and scoping of regional priorities and the wider dissemination of the Assessment. They will also foster a wider geographical representation in the appointment of experts to the Pool of Experts.

The eighth meeting also considered three technical abstracts of the first World Ocean Assessment on the Ocean and the Sustainable Development Goals under the 2030 Agenda for Sustainable Development; the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction; and the Impacts of Climate Change and Related Changes in the Atmosphere on the Oceans. The technical abstracts were subsequently launched, together with the official publication of the Assessment, at the Ocean Conference in June 2017 and are now available on our website.

The Ad Hoc Working Group of the Whole will continue to implement the second cycle of the Regular Process. Its ninth meeting will be held from 6 to 8 September at United Nations Headquarters in New York.

**Preparatory Committee established by General Assembly resolution 69/292: *Development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction* – Second, Third and Fourth Sessions (26 August – 9 September 2016, 27 March – 7 April 2017, and 10 – 21 July 2017, respectively):** The General Assembly established the Preparatory Committee to make substantive recommendations on the elements of a draft text of an international legally binding instrument under the Convention, taking into account the various reports of the Co-Chairs on the work of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.

It considered issues relating to marine genetic resources, including questions on the sharing of benefits; measures such as area-based management tools, including marine protected areas; environmental impact assessments; and capacity-building and the transfer of marine technology. The Preparatory Committee also dealt with a number of cross-cutting issues relating to the scope of an instrument, its relationship with the Convention and other instruments, guiding approaches and principles, institutional arrangements, dispute settlement and responsibility and liability.

At the fourth session, held from 10 to 21 July 2017, the Preparatory Committee adopted substantive recommendations to the General Assembly on the elements of a draft text of an international legally binding instrument under the Convention.<sup>2</sup> It also recommended that the General Assembly take a decision, as soon as possible, on the convening of an intergovernmental conference, under the auspices of the United Nations, to consider the recommendations of the Preparatory Committee on the elements and to elaborate the text of an international legally binding instrument under the Convention.

In accordance with resolution 69/292, the General Assembly will decide, before the end of its seventy-second session in 2018, on the convening and on the starting date of an intergovernmental conference, under the auspices of the United Nations, to consider the

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<sup>2</sup> See [http://www.un.org/depts/los/biodiversity/prepcom\\_files/Procedural\\_report\\_of\\_BBNJ\\_PrepCom.pdf](http://www.un.org/depts/los/biodiversity/prepcom_files/Procedural_report_of_BBNJ_PrepCom.pdf).

recommendations of the Preparatory Committee on the elements and to elaborate the text of an international legally binding instrument under the Convention.

**Eighteenth Meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (15 to 19 May 2017):** The Informal Consultative Process is recognized by Member States as a unique forum to discuss issues related to oceans and the law of the sea, taking into account the perspective of sustainable development and with an emphasis on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced. This year's meeting focused on "The effects of climate change on oceans", an issue of global concern that results in loss of life, destruction of property, erosion of coastlines, migration of fish stocks, coral bleaching and other ecosystem degradations.

These impacts act as threat multipliers by combining with other anthropogenic impacts, thus exacerbating challenges relating to food security, livelihoods and the development of communities. This, in turn, undermines the ability of States, in particular least developed countries and small island developing States, to achieve sustainable development and in some cases threatens the viability and survival of communities and even nations, in particular in low-lying coastal countries.

On the basis of presentations made by expert panelists, that are now available on our website,<sup>3</sup> Member States discussed the environmental, social and economic dimensions of the effects of climate change on oceans as well as current actions and opportunities to further enhance cooperation and coordination in addressing these effects.

The outcome of the meeting was circulated as a document of the General Assembly and was brought to the attention of the Ocean Conference in June 2017 in order to contribute to enhancing knowledge about the link between climate and oceans, a critical question for the future of our planet.

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<sup>3</sup> See [http://www.un.org/depts/los/consultative\\_process/documents/ICP-18\\_Discussion\\_Panel\\_Schedule.pdf](http://www.un.org/depts/los/consultative_process/documents/ICP-18_Discussion_Panel_Schedule.pdf).

Mr. President,

Distinguished Delegates,

In conclusion, the Division wishes to reiterate that the work of the Authority is of great importance to the overall implementation of the United Nations Convention on the Law of the Sea. We are very pleased to cooperate and assist in the work of the Authority and to ensure effective coordination and collaboration on matters of common interest, pursuant to the relationship agreement between the United Nations and the International Seabed Authority of 14 March 1997. The Division is confident that its cooperation with the Secretariat of the Authority will continue and will be enhanced in the years to come. The Division would like to convey its wishes for a productive twenty-third session of the Authority.

Thank you.