

## ISA-24 Part 2 Highlights: Tuesday, 24 July 2018

On Tuesday, 24 July, the Assembly of the International Seabed Authority (ISA) discussed the report of the Secretary-General, with statements focusing on:

- progress in the development of the exploitation regulations and the implementation of the common heritage of humankind;
- the protection of the marine environment, including through international cooperation; and
- marine scientific research, capacity building and training.

### **Report of the Secretary-General**

Assembly President Jędrysek invited comments on the Secretary-General's annual report introduced on Monday. JAMAICA commended the work of the Secretariat, noting, with FRANCE and others, successful cost-saving measures and highlighting that "capacity must continue to grow." With the AFRICAN GROUP, he urged delegations to contribute to the Voluntary Trust Fund to ensure effective participation of developing countries in the work of the LTC and the Finance Committee. He welcomed increased attention to regional environmental management plans (REMPs), highlighting their importance for collaborative work and transparency.

The AFRICAN GROUP acknowledged milestones in the ISA's mandate and responsibilities in developing activities in the Area, highlighting, *inter alia*, the innovative character of the common heritage regime and the need to ensure a benefit-sharing mechanism. He underscored commitments under the African Union 2063 Agenda to the African blue economy, reporting that the African Union Assembly declared 2015-2025 as the Decade of African Seas and Oceans, and 25 July as African Day of Seas and Oceans. He emphasized the African Group's support for the negotiations on marine biodiversity of areas beyond national jurisdiction (BBNJ), urging constructive engagement with "one of the most significant international environmental law-making processes in the twenty-first century" for addressing legal, governance and regulatory gaps in the UN Convention on the Law of the Sea (UNCLOS). CAMEROON commended the LTC for drafting the exploitation regulations, considering it "a leap forward" towards concrete management of the common heritage of humankind. He welcomed: collaboration with the Massachusetts Institute of Technology (MIT) to expand the finance model; efforts to improve the sharing of scientific knowledge, including strengthening the capacity of women; and progress towards Sustainable Development Goal (SDG) 14 ("conserve and sustainably use the oceans.")

JAPAN stressed the need for: reasonable regulations for mineral exploitation, striking a balance between exploitation and environmental considerations; and discussions to be based on sound economic expertise. He recalled his country's efforts in developing technologies and capacity for the exploration and exploitation of the seabed, underscoring training offered by contractors and work on environmental impact assessments (EIAs) by the Japanese Agency for Marine-Earth Science and Technology (JAMSTEC) and the National Institute for Environmental Studies.

CHINA underlined the importance for the draft strategic plan to be in line with UNCLOS obligations, notably regarding the impacts of exploitation in the Area on the economies of land-based producers of the same minerals. He recommended that the draft exploitation regulations: reflect the common heritage of humankind and the implementation of the benefit-sharing principle; specifically address the Enterprise; and specify how contractors will collaborate on developing REMPs.

MONACO underlined: the importance of marine science and more international cooperation; the collaboration between the ISA and the International Oceanographic Commission (IOC) of the UN Educational, Scientific and Cultural Organization (UNESCO) regarding the UN Decade of Ocean Science for Sustainable Development (2021-2030); and his country's support to the Intergovernmental Panel on Climate Change's (IPCC) report on oceans and the cryosphere. SINGAPORE emphasized progress on the data management strategy and the balance between transparency and confidentiality, as well as collaboration with other UN bodies. He underscored the importance of the Training Programme.

Considering the protection of the marine environment as a core function of the ISA, NEW ZEALAND, also on behalf of CANADA and AUSTRALIA, urged the ISA to proceed with caution to ensure the marine environment is not harmed by unforeseen negative impacts of deep-seabed mining. She underscored the need to focus on flexible and adaptive management mechanisms to take into account evolving scientific understanding of the marine environment. She welcomed work on: REMPs; reasonable regard for other users of the marine environment; and a compliance system that can act swiftly, and preemptively if necessary, to protect the marine environment. ITALY commended the Secretariat's technical guidance in the context of the fast-paced work of the ISA, noting increasing support for environmental protection, transparency and scientific research. He called for the draft regulations to further address damage control and minimization of impacts on human safety and health.

NAURU, also on behalf of AUSTRALIA, the COOK ISLANDS, the FEDERATED STATES OF MICRONESIA, FIJI, KIRIBATI, NEW ZEALAND, TONGA, and PAPUA NEW GUINEA, underscored the need for: balance between protection and exploration of marine resources to avoid adverse social impacts; consistency between the draft regulations, their corresponding guidelines and standards, and the SDGs; as well as consideration in EIAs of potential impacts on coastal states. FIJI called for: comparative studies on payment mechanisms beyond the MIT proposal, to ensure “an equitable sharing regime”; and greater capacity building to develop REMPs. TONGA noted the importance of the Endowment Fund for developing marine science for the benefit of humankind; and emphasized transparency in developing the exploitation regulations.

BANGLADESH welcomed: increased participation in ISA meetings; a greater number of side-events; the establishment of the Secretary-General’s Award for Excellence in Deep-sea Research; the collection of unpaid contributions from member states; consideration of the interconnections between the ISA’s work and the BBNJ process; capacity building and training, noting improved gender balance in the contractors’ training programmes; and in-depth consideration of the draft exploitation regulations in the Council. NEPAL stressed: the importance of UNCLOS for least developed and landlocked countries; the organic link between mountains and seas; member states’ responsibility to protect the oceans’ fragile environment during mining activities; the need for greater collaboration between contractors and the scientific community regarding data; and the need to link with the BBNJ process.

ECUADOR underscored states’ joint responsibility to protect one of the most fragile environments on the planet, and supported the ISA’s efforts to balance exploitation, equitable benefit-sharing and protection of the seabed, including marine biodiversity. MYANMAR welcomed the Council’s fruitful debates at this Session, efforts to improve the ISA’s capacity to respond to its expanding workload; and, with BRAZIL, the live-streaming of ISA meetings. Reporting on the designation of the entire Exclusive Economic Zone as a national marine park, the COOK ISLANDS requested training sessions on data management, the development of guidelines, and further work on REMPs.

Recalling the ISA’s mandate to protect the marine environment, NORWAY: noted that so far the focus has been on exploration; welcomed progress in developing the draft exploitation regulations, REMPs, and the finance model; and underscored that the outcome of the BBNJ process will have implications for the ISA and its member states.

Thanking the Secretary-General for “doing the right thing,” SOUTH AFRICA stressed activities in the Area must reflect the common heritage principle, with the Enterprise institutionalizing benefit-sharing and conducting its operations via joint ventures. INDIA stated that common heritage is the principle underlying the ISA’s work; and reported on ongoing expeditions in the Indian Ocean, which are informing India’s work in the Area.

GERMANY pledged a contribution of US\$25,000 to the ISA’s Voluntary Trust Fund for the members of the LTC and Finance Committee, recommending inclusiveness in the ISA’s work. He welcomed the launch of the ISA’s database facilitating information sharing among contractors, the ISA and researchers, calling for further cooperation on this; and growing research projects evaluating the effects of deep-sea mining. The UK underscored: the development, implementation and review of REMPs as key aspects of the regulations; the importance of addressing women’s participation in marine science; and the need to address risks of harassment in this work environment.

MEXICO welcomed progress on: the comparative study of national legislation, the review of contractors’ annual reports; and collaboration with other organizations, particularly on the marine environment. He recommended: integrating into REMPs the ecosystem approach and the cumulative effects of seabed activities; and collaborating with regional fisheries management organizations when designing REMPs to ensure the activities in the Area do not harm fish stocks.

MOROCCO underlined the importance of: monitoring measures for environmental protection; a payment system capable of ensuring benefit-sharing; and the BBNJ process for the protection and sustainable use of oceans. The PHILIPPINES prioritized: including all stakeholders in the ISA’s work; implementing the principle of common heritage of humankind; informing coastal states of baseline environmental studies; and ensuring gender balance in the Training Programme.

ANTIGUA AND BARBUDA highlighted growing momentum towards achieving SDG 14. BAHAMAS prioritized capacity building and training. KENYA welcomed research relating to EIAs and encouraged developing-country scientists to participate in marine scientific research and the Training Programme. POLAND stated that the effective management of deep-sea resources requires a well-structured database of environmental baseline data. Recalling that their marine areas are adjacent to the Clarion-Clipperton Zone, the FEDERATED STATES OF MICRONESIA called for adequate consultation on proposed activities in the Area.

BRAZIL stated that: although transparency is important, member states might occasionally require “privacy” for debating sensitive issues; workshops’ outputs are relevant to inform the ISA’s work but are not prescriptive; and the Secretary-General should give serious consideration to the Enterprise in his next annual report. CHILE considered collaboration between the ISA and the BBNJ process premature; urged further development of REMPs; and encouraged integrated approaches when cooperating with other organizations to support the implementation of SDG 14. FRANCE supported continued cooperation between the ISA and other UN bodies.

The HOLY SEE welcomed progress in developing the exploitation regulations and REMPs, reiterating that regulatory measures must put “people at the center” and calling for accountability and transparency. He urged strengthening the regulations and applying a “responsibility-based approach” to deep-seabed activities.

The UN DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA (UNDOALOS) offered to collaborate and coordinate on matters of common interest, recalling the ISA’s invitation to contribute to workshops on REMPs; provided an update on the preparation of the second world ocean assessment, urging states to appoint experts in a wide range of subjects; and reported that Rena Lee (Singapore), who is an LTC member, has been elected President of the BBNJ Intergovernmental Conference.

### *In the Corridors*

The second day of the Assembly continued on a generally positive note, with a number of interventions linking the highest number of attendees in the ISA’s history to growing interest in the development of the exploitation regulations. When comparing the current slower pace of interventions to the Council’s intense discussions the previous week, most participants seemed relieved to deal with the lighter workload of the Assembly. As one delegate suggested, the “most difficult task for this Session is done.” Nevertheless, many statements did not miss the chance to reiterate key messages from the Council’s meeting about the need to find the appropriate balance between exploitation and environmental protection, and between monetary and other benefits to humankind.