



Intergovernmental Conference on 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 (General Assembly resolution 72/249)

Agenda Item 5

General Exchange of Views

Statement by the International Seabed Authority

25 March, 2019

Thank you, Madame President,

I would like to commend you for the hard work that went into the preparation of the President's aid to negotiations for this session.

The International Seabed Authority, as one of the institutions created by the Convention, stands ready to contribute towards a successful outcome of this conference, skilfully led by you.

Madame President,

General Assembly 72/249 provides that the mandate of this conference is to elaborate the text of an international legally binding instrument under the United Nations Convention on the Law of the Sea. The Assembly equally reaffirmed that the work and results of the conference should be fully consistent with the provisions of the Convention.

Thus, it is important that this conference does not lose sight of the fact that its outcome is envisaged as an agreement to implement certain provisions of UNCLOS and not as a standalone agreement. In this regard, it is of the most importance to preserve the unified and universal character of the Convention.

A careful approach is needed to avoid fragmenting the law of the sea. Utmost caution should be exercised to act within the bounds of the intention of the drafters of the Convention during the Third U.N. Conference on the Law of the Sea, as they were conscious that the problems of ocean space are closely interrelated and need to be considered as whole.

As this conference begins to consider additional measures for the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction, it is important to recognize that Part XI of the Convention and its 1994 Implementing Agreement do provide a comprehensive regime for the Area, defined as the seabed and subsoil thereof

Monday, 25 March 2019

beyond national jurisdiction. The Area and its resources are designated as the common heritage of mankind which is to be utilized for the benefit of mankind as whole, taking particular consideration of the needs and interests of developing countries.

A prominent feature of the Part XI regime is that necessary measures shall be taken in accordance with the Convention with respect to activities in the Area, to ensure the effective protection for the marine environment from harmful effects which may arise from such activities.

Such measures shall be taken by the Authority. They include the adoption of rules, regulations and procedures to, among other things, prevent damage to the flora and fauna of the marine environment. This includes, but is not restricted to, the marine biodiversity of the Area.

Madame President,

Your aid to negotiations provides a good basis for the discussions by setting out different options in all the relevant sections.

The Authority welcomes all options which are respectful of the existing legal instruments and frameworks and the mandates of relevant global, regional and sectoral bodies, which neither undermine them nor duplicate them. In this regard, particular reference should be made to area-based management tools, including protected areas, and environmental impact assessments.

We welcome all the options under the text which do not undermine, overlap, or attempt to prevail over the carefully drafted rights and obligations of States and associated decision-making procedures in relation to Part XI of the Convention and the 1994 Agreement. It is important to recall in this regard that the 168 Parties to the Convention are *ipso facto* members of the Authority and that the institutional arrangements under the Convention provide clear mandates for decision-making through the Assembly and Council of the Authority, as well as delegating certain matters to the Meeting of States Parties.

Madame President,

This year marks the 25th anniversary of the Authority. While it is still a young organization, throughout this journey, it has developed successful schemes for capacity-building for developing countries; it has built a comprehensive database on deep sea resources and environment, and it has gained over the years, scientific knowledge supporting the management of deep seabed environment.

In light of that, we are pleased to invite distinguished delegates to a side event being convened by ISA tomorrow at 13.15 in the conference room 12 to take stock of the Authority's work in applying holistic approach to the protection of the marine environment in the Area, over the course of its first 25 years of existence. Looking forward to seeing you there.

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