



**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 6***

***Cross-cutting issues***

**Joint statement by the International Seabed Authority (ISA) and the International Maritime Organization (IMO)**

**3 April, 2019.**

Madam President,

I am delivering this joint statement on behalf of the International Maritime Organization and the International Seabed Authority. Thank you for the opportunity to speak together and for the document: President's aid to negotiations, which both our organizations have considered carefully.

We are making this statement since we believe that IMO and the Authority share some interesting similarities, which, together, provide some important reflections of value to these discussions.

First of all, both organizations have mandates over specific maritime sectors: shipping in the case of IMO, and the exploration and exploitation of deep seabed minerals in the case of the Authority.

Secondly, both are actively engaged in performing regulatory functions: the Authority is entrusted to adopt rules, regulations and procedures to administer and control mineral exploration and exploitation activities in the seabed beyond national jurisdiction for the benefit of mankind as a whole, and IMO is the global standard-setting authority for the safety, security and protection of the marine environment with respect to international shipping and dumping. Its main role is to create a regulatory framework for the shipping industry that is fair and effective, globally adopted and uniformly implemented, and consistently enforced.

The two organizations are thus truly specialized bodies within their field, and they conduct their activities solely, or partly, in areas beyond national jurisdiction.

Moreover, the two organizations have as part of their core functions: the protection of the marine environment and scientific and technical capacity-building programmes for professionals of developing countries. With regards to the protection of the marine environment from pollution, Parts XI and XII of the Convention already allocate regulatory competences to prevent, reduce and control marine pollution from certain activities. IMO and

the Authority are entrusted with regulatory functions to that effect. Part XI goes into the detail that the Authority shall take regulatory action to prevent damage to the flora and fauna of the marine environment.

Finally, IMO and the Authority are both committed to make their respective activities promote sustainable industries. In this regard, our work contributes to fulfilling the aims of Agenda 2030 and particularly SDG 14 and other related SDGs.

Madam President,

While the Authority is still a young organization with 25 years of existence, IMO has 70 years of experience. Shipping is a well-established and mature sector, while deep seabed mining in the international seabed area is a nascent industry. Nevertheless, both have much to learn from each other and both have identified many areas of mutual interest and cooperation. Through the successful conclusion of the 2016 Cooperation Agreement, both organizations are actively cooperating together on a number of core issues and on a near daily basis. For instance:

- a) Frequent meetings of the Secretaries-General of both organizations, as well as frequent exchanges and meetings of technical teams.
- b) Cooperation with the London Convention (LC) and Protocol (LP) on dumping of wastes and other matter, by sharing with the Authority best practices, in particular on institutional aspects and waste assessment frameworks for the protection of the marine environment.
- c) Currently, we are working together to clarify the respective regulatory competences of IMO and the Authority on aspects related to ships and installations engaged in “activities in the Area” and related maritime transportation in the high seas, including transportation of minerals to processing on land. One critical aspect to be explored in this study are the respective functions in the protection of the marine environment to prevent marine pollution in areas beyond national jurisdiction. It is expected that the product of this process would be a matrix mapping the respective responsibilities of each organization in connection with the regulatory framework related to deep seabed mineral extraction activities. It is hoped that the matrix will be ready by July 2019.
- d) But we are not only working bilaterally, we are also working together with other partners to address joint matters, including through UN-Oceans, GESAMP, as well as with the World Maritime University and the International Maritime Law Institute.

Madam President,

These illustrations clearly show how two sectoral international organizations are cooperating in practice in a wide variety of issues, in particular on environmental, safety and security matters. As this IGC gathers for the second time, we bring this to your attention to highlight that cooperation is occurring on a frequent basis and within the existing legal frameworks, including with full respect to the institutional architecture and decision-making processes of each organization. Moreover, this cooperation is taking place in accordance with their respective constituent instruments, acting in full consistency with UNCLOS.

The IMO and the Authority stand ready to support and contribute to the fulfilment of the mandate of this IGC under the GA resolution 72/249. In so doing, we favour all those options of the President's aid to negotiations which facilitate such cooperation and which do not undermine it and that are fully consistent with rights and obligations established in UNCLOS, in particular in those areas where there are well developed and detailed frameworks, like shipping and navigation and the Part XI regime. Moreover, Part XII of the Convention provides a framework for the protection and preservation of the marine environment concerning pollution from activities in the Area, dumping and pollution from vessels in articles 209, 210, 211, respectively.

In this regard, the exercise of substantive responsibilities rests within existing sectoral, regional and global bodies. A framework of responsibilities that has been carefully crafted and maintained by the Contracting Parties to the respective instruments. Tampering with it might open up more questions than answers for the effective conservation and sustainable use of marine biodiversity.

Both IMO and the Authority are hopeful that the work of the IGC will be a step towards the effective conservation and sustainable use of the marine biodiversity of areas beyond national jurisdiction. Its work will certainly be successful in as much as the 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.

Thank you.