

JAMAICA
ISA STRATEGIC PLAN – 2019-2023

Jamaica appreciates the positive response of the Secretariat to the request made by the Assembly at the 23rd session last year to submit a draft strategic plan for consideration at this session.

The draft 5-year strategic plan speaks less to an overall vision of the future and is rather more focused on the immediate tasks before us and the agreed on principles to inform our actions. The action plan, including key performance indicators, which will supplement the Strategic Plan must demonstrate a balanced approach to implementing the mandates set out in UNCLOS and the 1994 Agreement. They must also establish time-bound outputs that promote greater accountability and a sense of urgency but also realism in defining what we can achieve.

As stated by the Minister in his statement yesterday, Jamaica believes that the Strategic Plan adequately covers the mandates of the ISA. We believe that the Plan in general is a good one and we congratulate the Secretariat for a job well done.

There are still ways in which the plan may be strengthened and we would suggest two ways in particular, while also addressing some of the Strategic Directions of great importance to Jamaica.

Paragraph 4 of the Annex to ISBA/24/A/4 which presents the introduction of the Draft Strategic Plan addresses the guiding principles and lists eight important principles (a) through (h) without expressly referring to the common heritage of mankind.

Section 2 of Part XI of UNCLOS sets out the “Principles Governing the Area”; Article 136 which is the first article of Section 2 contains only one sentence, that is, “The Area and its resources are the common heritage of mankind.” That is the most fundamental principle which informs the work of the ISA. We believe that reference should be made to the CHM in paragraph 4 of the Annex to ISBA/24/A/4. The chapeau of paragraph 4 could address this. Paragraph 4 could provide that:

4. The guiding principles of the strategic plan [provide for the effective implementation of the CHM through] [are] the following: ... [and then list (a) through (h)]

The strategic directions and priorities identified in the plan are directed primarily by the provisions of UNCLOS and the 1994 Agreement relating to the transitional period before approval of the first plan of work for exploitation of seabed mineral resources. In this regard, paragraph 20 speaks to the challenge in identifying mechanisms “to ensure fully integrated participation by developing States in activities in the Area at all levels. This includes identifying possible approaches to **the future establishment of the Enterprise** in a way that meets the requirements of the Convention and the 1994 Agreement.”

The Enterprise, however, WAS established as an organ of the Authority by UNCLOS. Article 158(2) states “There is hereby established the Enterprise, the organ through which the Authority shall carry out the functions referred to in article 170(1).” The 1994 Agreement, Annex, Section 1, para 3 calls for an evolutionary approach which forestalls the immediate election of the Governing Board by the Assembly while requiring the Secretary General to appoint an interim Director General to oversee the functions of the Enterprise during a transitional period. Paragraph 20 of the Strategic Plan should therefore not speak to the “future establishment of the Enterprise” but rather to the “**independent operation of the Enterprise**” We would suggest that the text of paragraph 20 be so adjusted. And further that the text of para 31, Strategic Direction 6.5 which also speaks to the “future establishment of the Enterprise” should also be modified accordingly.

Strategic Direction 6.5 which is limited to identifying possible approaches to the independent operation of the Enterprise would also not seem to be sufficiently ambitious. The work on the Enterprise must keep pace with our work on the regulations for exploitation of mineral. Strategic Direction 2 and paragraph 34 on the Expected Outcomes foresee the completion of the regulatory framework on Exploitation, and the rules, regulations and procedures for the equitable sharing of benefits derived from activities in the Area. The accomplishments foreseen on the mining code must extend to the operations of the Enterprise. It is notable that none of the Expected Outcomes in paragraph 34 relate to the work to undertaken in relation to the Enterprise.

Nevertheless, Jamaica is encouraged by the fact that the study requested by the Council at its meetings, on 19 and 22 July 2013, on the issues relating to the operation of the Enterprise, is now being conducted and that the report should be ready later this year and in any event before the next session of the ISA. We look forward to addressing the study at the 25th session.

Strategic direction 1, speaks to realizing the role of the Authority in a global context. As stated by my Minister in his presentation on Tuesday morning, Jamaica supports the ISA playing a role in the broader development of oceans' policy. UNCLOS is truly a constitution for the oceans in the sense that it sets out the basic structure, or framework, for ocean management within which all States must operate. The legal regime that defines exploration for seabed minerals and that which will be developed for their exploitation must, in accordance with Article 145 of UNCLOS, ensure effective protection for the marine environment as a whole. Thus the LTC is charged under Article 165(2)(d) to prepare assessments of the environmental implications of activities in the Area.

Strategic Direction 3 speaks to the mandates on the environment that are assigned to the ISA under UNCLOS. The emphasis on adaptive management, best environmental practices, regional environmental assessments and management plans, and the development of monitoring programmes and methodologies to assess the potential impact of activities on the ecological balance of the marine environment, are particularly important to Jamaica, as also public access to environmental data.

The work of the ISA on protecting the marine environment must inform the negotiations concerning the exploitation of marine genetic resources and the protection of the biodiversity in areas beyond national jurisdiction (commonly referred to as the BBNJ negotiations in New York). A fundamental premise of the BBNJ negotiations is that this process should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies. The important work that has been done and that which we are about to embark on in line with the ISA Strategic Plan is critical not only to preserving the biodiversity of the deep seabed but also for ensuring that activities in the area do not have adverse effects on the biodiversity of the superjacent waters.

Coherence mandates that the BBNJ negotiations are informed by the discussions taking place in the ISA. Strategic Direction 4 on promoting and encouraging marine scientific research in the Area, in particular, 4.1, 4.3 and 4.5, focusing respectively on the environmental effects of activities; establishing strategic alliances and partnerships to share data, build synergies and address knowledge gaps; and compiling environmental baseline data will provide the basis for the Authority playing an appropriate role in informing the BBNJ negotiations.

This will require as strengthening the ISA's institutional capacity and functioning through the allocation of **sufficient resources and expertise** to deliver its work programmes – as addressed in Strategic Direction 7.1. In this regard we thank Belgium for its non-paper on “Strengthening Environmental Scientific Capacity of the ISA” which provides much food for thought.

As regards our working methods which must be “focused, targeted and effective and delivered under enhanced conditions of transparency and accountability” as addressed in Strategic Direction 7.2, we are all indebted to the German delegation for their submission on “Suggestions for facilitating the work of the International Seabed Authority”. The submission has gained wide support from members, with the proviso as regards binding deadlines for the distribution of official documents as stated by Algeria on behalf of the African Group.

Overall, we believe that the draft Strategic Plan is a very good one and we commend the Secretariat for its work. We have made a few suggestions on how the text of the document may be strengthened. Jamaica looks forward to actively participating in what we believe will be a very significant period in the history of the ISA.

Thank you.