

**Statement by the Secretariat of the International Seabed  
Authority on Cross-cutting Issues**

**On Article 4, paragraph 1**

**“Relationship between this Agreement and the Convention and other [existing] relevant legal instruments and frameworks and relevant global, regional and sectoral bodies”**

Madame President,

Article 4 paragraph 1, as it stands, provides a savings clause with a view to avoid prejudicing the rights, jurisdiction and duties of States under UNCLOS. The paragraph is modelled upon article 4 of the Fish Stocks Agreement, as it also provides for the interpretation and application of the agreement in the context and in a manner which is consistent with UNCLOS.

While it is certainly true that Article 4, paragraph 1, in the current draft represents a welcome evolution from previous formulations, we believe that the paragraph could be further reinforced by adding references to the “1994 Part XI Implementing Agreement” right after the mention to the “Convention”.

The rationale behind this idea is that the 1994 Agreement stands at a special place within the UNCLOS system.

Article 2 of the 1994 Agreement provides that:

“The provisions of [the 1994] Agreement and Part XI shall be interpreted and applied together as a single instrument. In the event of any inconsistency between [the 1994] Agreement and Part XI, the provisions of [the 1994] Agreement shall prevail.”

Given this strong interconnection with UNCLOS and even its prevalence in cases of inconsistencies, the importance of the 1994

Agreement is not fully captured by paragraph 3 of Article 4 through the terms “relevant legal instruments and frameworks”.

From the Authority’s Secretariat point of view, by adding the references to the 1994 Agreement after the term “Convention” will go a long way in ensuring the full respect of the rights and duties of States in relation to the Area and its resources.

Thank you very much.

**Article 4**  
**Relationship between this Agreement and the Convention**  
**and other [existing] relevant legal instruments and**  
**frameworks and relevant global, regional and sectoral**  
**bodies**

1. Nothing in this Agreement shall prejudice the rights, jurisdiction and duties of States under the Convention **and the 1994 Implementing Agreement.** This Agreement shall be interpreted and applied in the context of and in a manner consistent with the Convention **and the 1994 Implementing Agreement.**
2. The rights and jurisdiction of coastal States over all areas under national jurisdiction, including the continental shelf within and beyond 200 nautical miles and the exclusive economic zone, shall be respected in accordance with the Convention.
3. This Agreement shall be interpreted and applied in a manner that respects the competences of and does not undermine relevant legal instruments and frameworks and relevant global, regional and sectoral bodies, and that promotes coherence and coordination with those instruments, frameworks and bodies, provided that they are supportive of and do not run counter to the objectives of the Convention and this Agreement.
- [4. The provisions of this Agreement are not intended to affect the legal status of non-Parties to the Convention or any other related agreements with regard to those instruments.]