

Greenpeace intervention Assembly Article 154 Report

Thank you Mr President

Mr President, we thank Judge Turk and the Review Committee for the Article 154 Report. We particularly welcome Recommendations 14,¹ 16,² 18³ and 19⁴ of the Review Committee Report.

We also welcome the remarks of the Jamaican Minister of Foreign Affairs and Trade and particularly her wise call for a strategic environmental management plan.

We would also like to associate ourselves with the remarks of DSCC and WWF to follow, as well as Pew's excellent comments on data confidentiality.

First we have an overall observation. Article 154 provides (and I quote) that "In the light of this review the Assembly may take, **or recommend that other organs take**, measures in accordance with the provisions and procedures of this Part and the Annexes relating thereto which will lead to the improvement of the operation of the regime." (end quote)

So it seems that the Assembly is mandated to either directly take a measure, or recommend that other organs take measures, based on the report. Merely taking note of the report does not seem to fulfil this mandate.

Second, on the few specific recommendations listed earlier:

On Recommendation 14: We and DSCC have for a number of years suggested that an Environment Committee be established. The Recommendation that the Legal and Technical Commission should be encouraged to continue its practice of setting up working groups dealing with particular areas of expertise is useful but not a substitute for a standalone Environment Committee. We believe that the establishment of a committee dealing with environmental issues should be considered. Comparable bodies have scientific advisory bodies: the International Maritime Organization has GESAMP, the CBD (Biodiversity Convention) has the SBSTTA, and regional fisheries management organizations have scientific bodies.

¹ Recommendation 14: The Legal and Technical Commission should be encouraged to continue its practice of setting up working groups dealing with particular areas of expertise. In this context, the establishment of a working group dealing with environmental issues should be considered.

² Recommendation 16: The Legal and Technical Commission should be encouraged to hold more open meetings in order to allow for greater transparency in its work. To improve the balance of expertise of the Commission, details on the required areas of specialities should be provided in the letter from the Secretary-General to member States inviting the nomination of candidates. In order to enable the Commission to cope with its increasing workload, the current meeting schedule should be re-examined.

³ Recommendation 18: Non-confidential information, such as that relating to the protection and preservation of the marine environment, should be shared widely and be readily accessible.

⁴ Recommendation 19 Attention should be paid to transparency as the finance provisions in the rules and regulations of the Authority in connection with the regime of benefit-sharing are developed, which will have an impact on the ability of the Authority to act on behalf of mankind, with special consideration given to the needs of developing States.

Moreover, the Part XI Implementing Agreement specifically recognized the Authority will need to evolve with its growing role: it provided that “The setting up and the functioning of the organs and subsidiary bodies of the Authority shall be based on an evolutionary approach.” It described the current arrangement of the Assembly, Council, Secretariat, LTC, and Finance Committee as executing “early functions of the Authority.” Subsidiary organs were envisaged by the Convention: they can be established “as may be found necessary” under UNCLOS art. 158(3), the Council can establish subsidiary organs and so can the Assembly.

Mr President, it seems clear that the working methods of the Authority will need to adapt to meet the increasing demands on the ISA, including the development of exploitation regulations and procedures including regional environmental management plans and their implementation, assessment of applications including baselines, environmental impact assessments and statements, environmental management and monitoring plans, compliance and enforcement and liability functions.

The function of an Environmental Committee could be advisory, dedicated primarily to advising on specific issues given to it by the Council, freeing the LTC for the high level recommendatory functions granted to it by UNCLOS.

On Recommendation 16: we have many discussions on LTC having more open meetings. We welcome this recommendation and call for it to be implemented in February. We also believe that transparency for both states Parties and observers should be mainstreamed through the Authority, including in workshops and intersessional meetings. We join the remarks of New Zealand and Uganda in these respects.

We do believe that it is important that the Assembly makes a recommendation to the LTC about this.

On Recommendation 18: The provision of environmental data is very important. We believe that this also applies to national reports. Confidential proprietary data can be protected through clear procedures and definitions.

On Recommendation 19: transparency in financial matters is also crucial as it relates to the common heritage of humankind.

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