

Statement by the IASS on the Guidelines for observer status of non-governmental organizations with the International Seabed Authority (ISBA/25/A/7)

Madame President, thank you very much. As this is the first occasion that the IASS is taking the floor, we would like to affirm our confidence in you and our commitment to assist in the work of the Authority in our capacity as an Observer member.

We thank the Secretary-General for preparing this note (ISBA/25/A/7). We welcome the establishment of Guidelines for the granting of Observer status of NGOs within the International Seabed Authority. We agree that Rule 82 of the Rules of Assembly does not provide the Authority with much information pertaining to application process, assessment criteria or review process for the granting of observer status. Hence, the present Guidelines is both necessary and timely. However, we have some serious reservations about the said Guidelines as presented in the SG's note, which we will now turn to. We wish to start with two general comments.

First, the omission to make reference in the Guidelines to the common heritage of mankind and to the fact that the Authority is entrusted to work for benefit of mankind as a whole is a glaring one. Unfortunately, this omission suggests that the SG has not given due consideration to the special status of the Area, which in turn renders some of the assessment therein to be misguided.

The principle of the CHM and the notion of inclusivity that ensues from it requires wide participation of academia, think tanks, scientific groups and civil society, among others. The role played by observers as a mechanism of check and balance to the work of the Authority should not be overlooked or underestimated. We note that recent efforts by the Authority to encourage the participation of a broad range of stakeholders, for example, in soliciting public comments to its work, is a progressive step. The approach adopted in these Guidelines, however, appears to be a regressive step and not in line with views expressed or language used in other recent documents issued by the Authority, such as the Strategic Plan.

Second, we believe that the basic framework as laid down in Rule 82(1)(e) of the Rules of Procedure of the Assembly must be respected. Rule 82(1)(e) uses the phrase "non-governmental organizations [...] which have demonstrated their interest in matters under the consideration by the Assembly". We feel that the Guidelines should expand on this phrase, and not restrict it.

This brings us to our specific comments.

First, we propose that paragraph 9, on requiring NGOs to issue an undertaking "to support the activities of the Authority", be deleted. We believe that all opinions should be given a voice, and that Member States should be able to hear all views when they are tasked to make decisions for all of humankind

Second, we recommend that paragraph 14(c), which lists the "efforts by the organization to disseminate and promote the work of the Authority" be deleted. We believe that this is an inappropriate factor to assess the contribution of an Observer member.

Third, we believe that the Guidelines are missing some important elements, such as mechanisms for the review of Observer members. The Guidelines do not say who reviews this questionnaire that Observer members are required to complete, and whether an Observer member receives any notification of the possibility of its observer status being withdrawn, whether it has an opportunity to improve its performance by addressing the concerns that have been identified, and whether it has the opportunity to defend its position. Also, it seems to us that while the Secretariat can perform the administrative function of compiling the questionnaires that are received, it should not be

responsible for assessing whether or not the requirements under the Guidelines have been fulfilled. This task could, for instance, be left to an ad-hoc bureau or working group created by the Assembly that reports to the Assembly; and that the any decision to withdraw the status of an Observer member be taken at the Assembly at its following session.

Moving forward, we recommend that the present note be reconsidered with a view to acknowledge the special status of the Area and its mineral resources as the common heritage of mankind. Given that this is a critical document that defines how mankind is able to effectively participate in the work of the Authority, we suggest that any revised set of Guidelines that is prepared be open for stakeholder comments.

Madame President, thank you very much.