



STATEMENT

BY

**NII ALLOTEY ODUNTON
SECRETARY-GENERAL OF THE
INTERNATIONAL SEABED AUTHORITY**

To the

**Ad Hoc Open-ended Informal Working Group to study
issues relating to the conservation and sustainable use of
marine biological diversity beyond areas of national
jurisdiction**

New York, 1-4 April 2014

CHECK AGAINST DELIVERY

Honourable Co-chairs,
Distinguished Ladies and Gentlemen,

At the outset, allow me to thank you for inviting the International Seabed Authority to participate as an observer in this meeting.

The various responsibilities of the Authority in relation to the Area form a whole and comprehensive system which balances the regulations of activities with the protection of the environment in the Area.

Not only is the Authority responsible to organize and control activities in the Area, but also, in order to sustainably develop the common heritage of mankind, the Authority is entrusted with equally important responsibilities relating to the promotion and coordination of marine scientific research in the Area. Furthermore, the Authority is also responsible for the adoption of regulations and standards to secure an effective legal protection of the marine environment in the Area which derive from the best scientific knowledge.

On the basis of the experience of the Authority in implementing its mandate, I am pleased to make some preliminary comments to assist in the consideration of the scope, parameters, and feasibility of any instrument to be developed under the Convention for the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction. In light of the mandate of the Authority that derives from the Convention and the 1994 Implementation Agreement, I wish to stress at the outset that the scope of any future instrument would need to be fully consistent with the provisions of the Convention read in conjunction with the 1994 Implementation Agreement.

We would suggest that there are several ways to improve the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction:

- (1) A first way is to fully implement the existing legal regimes which apply in areas beyond national jurisdiction before considering new ones;
- (2) A second way is to avoid creating overlapping and conflicting legal regimes; and
- (3) A third way is to improve the cooperation and coordination of measures adopted by relevant organizations in areas beyond national jurisdiction. Coordination is necessary to secure the consistency of measures adopted by them.

A first way to improve governance in areas beyond national jurisdiction is to fully implement the comprehensive Part XI regime which is the sole existing regime that is entirely applicable to the Area. In this context, I refer to the experience of the Authority in implementing the benefit-sharing provisions under the Part XI regime. To date, the most concrete form of benefit is the acquisition of knowledge. Providing access to data is a prerequisite for sharing benefits. To achieve this, there is a need to promote the flow of scientific data and the dissemination of results and data through open repositories which the Authority has started to develop.

The Authority will not only benefit from close collaboration with the scientific community which conducts scientific research on seabed habitats, but also with other relevant organizations. For those purposes and reasons, the Authority is ready to cooperate with other organizations and programmes involved in related activities.

This leads me to stress that there is also an urgent need to conduct marine scientific research in the Area itself. It is fundamental to strengthen the promotion and encouragement of marine scientific research in the Area. In this regard, I wish to recall the obligation of members of the Authority to promote international cooperation in marine scientific research in the Area. A coordinated approach is necessary and is currently lacking. This shows how important it is to implement existing provisions before creating new ones.

Honourable Co-Chairs,

A second way to improve governance in areas beyond national jurisdiction is to avoid creating overlapping and conflicting legal regimes and to acknowledge the competences of intergovernmental and regional organizations and the rights and obligations of States under the Convention and its related instruments. In this respect, I wish to emphasize that the Authority is the unique intergovernmental organization which was established under the Convention and the 1994 Implementation Agreement, with a geographical scope of competence only in an area beyond national jurisdiction.

I wish to recall that exactly twenty years ago the 1994 Agreement was adopted to resolve outstanding issues related to the regime for the deep seabed. It paved the way to the universal acceptance of the Convention and enabled its entry into force in 1994. At the outset of a process that may lead to a new instrument, I wish to underline how critical it is not to alter the very sensitive and careful balance of interests that was achieved in 1994 as a result of complex and long negotiations and to be fully consistent with the mandate of the Authority. Inevitably, one question that will be raised is how a new implementing agreement could be integrated into the existing legal regimes without altering that delicate balance.

Honourable Co-Chairs,

A third way to improve governance in areas beyond national jurisdiction is to develop cooperation and coordination between measures and standards which are applied by sectoral organizations, including the Authority, given their specific mandate.

This is a challenge that the Authority faces in taking steps to discharge its responsibilities relating to the protection of the marine environment from impacts that may arise from activities in the Area. In order to discharge those responsibilities, as required by the Convention and the 1994 Implementation Agreement, the Authority has adopted regulations with the highest standards of environmental protection and is required to keep them under review in light of scientific progress. This has contributed to the progressive development of international environmental law.

The Authority has also applied those standards in the recommendations for the guidance of contractors in the fulfilment of their environmental obligations and in the decision adopted by the Council to establish an environmental management plan for the Clarion-Clipperton Zone in the Pacific Ocean. The guiding principles of the plan include the common heritage of mankind, the precautionary approach, the standardization of the taxonomies of fauna associated with the mineral resources of

the Area, the protection and preservation of the marine environment, prior environmental impact assessment, conservation and sustainable use of marine biodiversity and transparency. This demonstrates the capacity of the Authority to effectively implement area-based management tools.

Honourable Co-Chairs,

The strengthening of research capacities of developing countries is absolutely a necessary parameter for access to the sustainable development of living and non-living resources and the protection of the marine environment in areas beyond national jurisdiction. This is the reason why one of the immediate non-monetary benefits resulting from the implementation by the Authority of Part XI lies in the training opportunities for personnel of developing member states of the Authority.

These are twofold. One of the obligations of contractors is to provide and fund training opportunities throughout the duration of their contracts. Additionally, the Authority has established an Endowment Fund for marine scientific which has provided financial support to 58 candidates from 35 developing countries to participate in marine scientific research so far. Much more could be done, but this would require more sustained commitment and contributions to the Fund.

Honourable Co-Chairs, Distinguished delegates, ladies and gentlemen,

I thank you very much for your attention.