



**Symposium on the Agreement on Marine Biodiversity Beyond National Jurisdiction:
Achievements and Expectations**

Qingdao City, China

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STATEMENT

by

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It gives me great pleasure to send this greeting and message of support to all my Chinese friends and colleagues on the occasion of the international symposium on the achievements and expectations of the Agreement on Marine Biodiversity Beyond National Jurisdiction.

Let me give a special greeting to Vice Minister for Natural Resources, Mr Wang Hong, as well as Mr Ma Xinmin, Director-General of the Department of Treaty and Law at the Ministry of Foreign Affairs. I appreciate very much your kind invitation to me to participate in this symposium and I regret very much that I cannot attend in person owing to pressing engagements as well as the opening of the twenty-eighth session of the Authority in Jamaica.

I also wish to commend the organizers for your initiative in convening this symposium so soon after the conclusion of the intergovernmental conference earlier this month. I believe this is probably the first opportunity we have had since then to come together to share initial reflections on the final text of the agreement.

As far as Part XI of UNCLOS and the 1994 Agreement are concerned, this is not the time and place for a full discussion of the implications of the new agreement for the regime. There will be plenty of time to analyse the text in full later.

At this stage, let me just make some very preliminary and very broad reflections about the agreement.

Article 2 of the agreement states that the objective of the treaty is to ensure the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, for the present and in the long term, through effective implementation of the relevant provisions of UNCLOS and further international cooperation and coordination.

Article 4 requires that the agreement is interpreted and applied in a manner which is consistent with UNCLOS and that it does not undermine relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies.

These are important provisions. They confirm that, whilst the agreement applies both to the high seas and the Area, it remains an agreement under UNCLOS and therefore must be implemented with full respect to the rights and duties of States in relation to the Area and its resources as set out in Part XI of UNCLOS and the 1994 Agreement.

Under Part XI, the Authority has an exclusive and universal mandate to organise and control mineral-related activities for the benefit of mankind as a whole. Given its fundamental role within the global ocean governance framework, ISA will certainly have an important role to play in achieving the objectives of the agreement.

This is further underlined by Article 6, which establishes that the promotion of international cooperation in marine scientific research and in the development and transfer of marine technology shall be consistent with UNCLOS. This means that, as far as marine scientific research and development and transfer of marine technology in the Area is concerned, not only the role and mandate of ISA under articles 143, 144, 256, 273 and 274 remain unaffected but they are even strengthened within the broader context of the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.

I expect that ISA will have a particularly important role to play in terms of supporting the agreement's objectives for capacity building and transfer of marine technology. It is useful and

important in this respect that article 43 of the agreement calls for direct and indirect cooperation with ISA.

As far as the other elements of the BBNJ so-called ‘package’ are concerned, I would expect that ISA’s main role will be to support the implementation of the agreement. For example, in relation to area-based management tools, ISA will have an important role to play in consulting on proposals and in gathering scientific inputs relating to the merits of the proposal, and providing information regarding measures already in place under Part XI as well as on elements of the proposal that fall within its competence. To some extent, this is already happening – an example being ISA’s scientific and technical input to proposals currently under consideration in the OSPAR Commission. I expect that the agreement could only strengthen the coordination of such measures.

Finally, and consistent with article 20 of the agreement, ISA can contribute to facilitate and promote the adoption of new or complementary area-based management tools to support the objective of Part III of the BBNJ agreement.

The most difficult part of the agreement to predict is the part relating to marine genetic resources. The provisions here are complex and it will certainly require time to fully understand their implications. It is also likely that domestic legislation will be needed to put some of these provisions into effect. Nevertheless, even at this preliminary stage, I anticipate that ISA has an important role to play in supporting the fair and equitable sharing of non-monetary benefits from marine genetic resources, including by more widely disseminating the relevant information contained in its DeepData database.

It is certainly too early to say anything about the institutional arrangements under the new agreement. Most of the detail is left to the future Conference of the Parties to determine and it will clearly take time before the agreement enters into force and these issues are addressed. I do note that article 49 of the agreement allows the proposed Scientific and Technical Body under the new agreement to draw on appropriate advice from other organisations, which may include ISA and its technical bodies.

These remarks are evidently of a very preliminary nature and I must emphasize that we will all need time to reflect carefully on the detailed implications of the new agreement for all of the organizations and bodies that have a mandate over specific aspects of global ocean governance.

My overall impression is that, whilst our respective mandates remain unaffected, we should all carefully evaluate our working practices to ensure that we can contribute in a meaningful way to the implementation of the objectives of the agreement.

ISA, as the institution entrusted under UNCLOS with exclusive responsibility for the stewardship of the Area and its resources, is at the core of the global system for ocean governance. It is the bedrock underlying UNCLOS.

With 30 years' experience of multilateral ocean governance behind it, I firmly believe that ISA has much to offer the new agreement in terms of experience gained in how to manage a global commons effectively for the benefit of all humanity.

I believe this experience will be critical to achieving the objectives of the new agreement, which to a great extent, are already fully reflected in ISA's mandate and work. I look forward in future to a stable and productive relationship between ISA and the future Conference of the Parties.

Mr. President,

I will move on to discuss some of the other critical issues for the Authority, but before I do so, as is customary at this meeting, a brief word on the financial status of the Authority.

Financial Status

I am pleased to report that as of the end of May 2023, 88 percent of the value of contributions to the 2023 budget due from Member States and the European Union had been received. This leaves 12 percent of assessed contributions outstanding and I urge States concerned to pay their contributions as soon as possible.

Contributions outstanding from member States for prior periods (1998–2022) amounted to \$757,586. This is a low figure by historical standards, and over time, the Authority has a remarkable record of collecting more than 90 percent of contributions due. Nevertheless, it still represents a deficit in cash-flow which impacts the financial statements. Even more important the figure includes 47 States that have been in arrears of contributions for two years or more. Over the past year we have made great efforts to contact these States, which has resulted in the collection of some long-outstanding arrears. Nevertheless, I wish once again to urge all States parties to pay their outstanding contributions without delay.

One point I should mention is that the voluntary trust fund for the participation of developing States members of the Council is completely exhausted. I encourage contributions so that we can have full and meaningful participation in July.

I now move on to comment on some of the other important matters under consideration by the Authority.

Strategic Plan for the period 2024–2028

The adoption of the first strategic plan for the Authority in 2018 was a major milestone in the evolution of the Authority. That strategic plan, covering the period 2019-2023, has served us very well as the foundation for a comprehensive strategic framework for the work of the Authority. That framework now includes a High-Level Action Plan, an Action Plan for Marine Scientific Research in support of the UN Decade of Ocean Science, and a capacity development strategy. Together, these have been highly effective in focusing the Authority's programmatic activities, mobilizing resources and delivering on the manifold mandates of the Authority – beyond its regulatory functions – as envisaged by the Convention.

This year, it is time to renew the strategic plan and you will see that a draft strategic plan for the period 2024-2028 has been released for consultation. This draft will be considered by the Assembly at the twenty-eighth session.

Considering that we are still in the period before seabed mining has taken place (that is, before the approval of the first plan of work for exploitation) the new strategic plan contains no surprises. It remains firmly anchored in the provisions of the Part XI Agreement and emphasizes the need for continuity and consolidation in the delivery of the mandate of the Authority, whilst reflecting some of the important new developments in the field of ocean affairs.

The deadline for submissions on the revised strategic plan is 23 June 2023 and I encourage all of you to look at it. As always, my staff and I remain available for discussion of any concerns you may have. To support the work on the plan, there is also a review report, prepared by an independent consultant, which aims to provide a snapshot impression of the implementation of the first strategic plan.

Programmatic activities

Mr. President, the work and mandate of the Authority extends far beyond the formulation of rules, regulations and procedures to ensure the responsible and sustainable utilization of deep-sea mineral resources as permitted by the Convention.

It includes the custodianship of the space that is designated as the common heritage of humankind, the facilitation of scientific research in respect of the Area, capacity-building, and international cooperation in the governance of marine space. The Authority serves as a fundamental forum, accessible to all States Parties, for dialogue, negotiation, and consensus-building on matters concerning the sustainable management of deep-sea resources, environmental preservation, and the advancement of scientific knowledge.

I wish to highlight recent developments with respect to just two aspects of this work. The first is our work relating to capacity development.

In August 2022 the Assembly adopted the first ever capacity development strategy of the Authority. Although capacity-building and training have been an integral feature of the Authority's mandate since its establishment, the adoption of this strategy consolidated the approach taken by the Authority to deliver meaningful and tailored activities to respond to the capacity needs identified by its members. The nomination of National Focal Points for capacity development plays a very important role in that regard, and I want to sincerely thank the 59 member States that have now appointed a focal point to support the Authority in this work. I encourage others to come forward.

A key milestone has been achieved with the establishment by the Assembly of the ISA Partnership Fund as a multi-donor trust fund. The main objective of the fund is to promote and encourage the conduct of marine scientific research in the Area for the benefit of humankind.

Already, contributions to this fund as of June 2023 amount to \$604,644 thanks to contributions received this year from Greece, China, and Mexico. I am pleased to inform you that the Board of the Partnership Fund held its first meeting of the year few weeks ago and allocated a total of \$382,000 to four different projects which will be advertised in the upcoming days.

Second is to share with you some important progress in our commitment to advance women's empowerment and leadership in ocean affairs. I would like to particularly acknowledge Ambassador Tone, Permanent Representative of Tonga, for accepting to co-chair with me the

new Impact Group on Research and Oceans for Women (IGROW) established under the International Gender Champions (IGC) network.

I also would like to sincerely thank Ambassador Gafoor from Singapore and Ambassador Frazier from Malta for the support provided to us in organizing here in New York, in September 2022, the first ever Women in the Law of the Sea Conference. The participation of 45 women experts in the law of the sea from all over the world and particularly those from LDCs, LLDCs and SIDS was a testament to the importance of our collective action and the need to do more.

Last week was World Oceans Day. The Authority decided to dedicate our celebration to acknowledging and recognizing the contributions of women scientists in the realm of deep-sea research, recognizing their invaluable role and seeking ways to foster their engagement and progression into leadership positions.

On this occasion, the Authority, together with UN-OHRLLS and the other 20+ partners of the Women in Deep-Sea Research (WIDSR) project launched the See Her Exceed or S.H.E programme – the first ever global mentoring programme for women scientists working deep-sea research from developing States. A call for expressions of interest to enrol in this programme has been issued and I encourage you to share this information broadly with your respective national and regional institutions to enable talented women to break the glass ceiling.

I would like now to offer a few concluding remarks. Before I do so, however, it would be remiss of me not to acknowledge the successful conclusion of the intergovernmental conference and the imminent adoption of the BBNJ Agreement.

I first wish to add my voice to those who have spoken to welcome this monumental achievement.

In accordance with resolution 72/249 of the United Nations General Assembly, the Authority participated into the fifth and resumed fifth session of the Intergovernmental conference which led to the conclusion of the BBNJ Agreement.

Now is not the time or place to analyse the provisions of the new agreement. There will be time for that in due course. Let me just say that, as recalled in many provisions of the new agreement, coordination, cooperation and complementarity will be pivotal for the sustainable use of ocean resources. In view of the applicable legal framework under Part XI of UNCLOS and the 1994 Agreement, the Authority can effectively contribute to each of the elements constituting the package deal of the BBNJ Agreement. In keeping up with its mandate under the Convention and the 1994 Agreement, and in the spirit of contribution to the consistent application of all the legal instruments under the Convention, I expect that the future work of the Authority will be oriented towards the achievement of the commonly shared objectives of the new agreement. The Authority stands ready to work with all relevant stakeholders to implement the ambitious goals set out by the agreement.

Final remarks,

This year again, I would like to underline the paramount significance of the Convention and its institutions in ensuring international cooperation, peace, security, and a legal framework for the seas and oceans. This robust framework, grounded in international law, promotes the equitable utilization of resources, protection of the marine environment, and preservation of the global order. In fact it is the main safeguard for collective and peaceful management of shared resources in a sustainable manner. Every time it is challenged, it is the entire system that is weakened and undermined.

For almost 30 years the Authority has been instrumental to the success of the Convention. Its mandate incorporates the organization, regulation, and control of all activities associated with mineral resources within the international seabed area. This responsibility is undertaken for the collective benefit of humanity. Concurrently, the Authority bears the solemn duty of ensuring the effective safeguarding of the marine environment against any potential detrimental impacts arising from activities in the Area. Additionally, the Authority assumes exclusive accountability for promoting and fostering marine scientific research within the Area, ensuring that knowledge is available to all, regardless of the state of development.

One core principle underpins the regime. It is that every State Party, regardless of whether coastal or landlocked, is entitled to carry out activities within the Area as long as it does so in accordance with the rules, regulations, and procedures of the Authority. The fact, therefore, that there have been no unilateral claims to seabed resources, and that no activities of exploration or exploitation have taken place in the Area except as fully regulated by the Authority, is evidence of the tremendous success of this regime so far.

I would like to end by expressing my appreciation for their active participation in the discussions in the Council and Assembly and for the strong commitment they have shown to finding consensus on all matters. I hope that will continue in the future.

Thank you.