



## Assembly

**Advance Unedited Version**  
22 April 2024

English only

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### **Twenty-ninth session**

Kingston, 29 July – 2 August 2024

Item 16 of the provision agenda\*

### **Proposal for a General Policy of the Authority for the Protection and Preservation of the Marine Environment**

### **Note verbale dated 19 April 2024 from the Permanent Mission of the Republic of Chile to the International Seabed Authority addressed to the Secretariat of the Authority\*\***

The Permanent Mission of the Republic of Chile to the International Seabed Authority has the honour to transmit herewith a joint proposal supported by Brazil, Chile, Costa Rica, France, Germany, Ireland, Palau, Switzerland, and Vanuatu for the inclusion of a new agenda item to the provisional agenda of the twenty-ninth session of the Assembly (see annex).

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\* ISBA/29/A/L.1

\*\* The note verbale was received by the Secretariat on 19 April 2024. The annex is being issued without formal editing.

## **Annex to the note verbale from the Permanent Mission of Chile to the International Seabed Authority addressed to the Secretariat of the Authority**

### **Proposal of Brazil, Chile, Costa Rica, France, Germany, Ireland, Palau, Switzerland and Vanuatu for the inclusion of a new agenda item to the provisional agenda of the twenty-ninth session of the Assembly, titled "A General Policy of the Authority for the protection and preservation of the marine environment"**

As stated in article 160 of the Convention, the Assembly is the supreme organ of the Authority. As such, it has "the power to establish general policies in conformity with the relevant provisions of this Convention on any question or matter within the competence of the Authority"<sup>1</sup>, and the duty "to consider problems of a general nature in connection with activities in the Area"<sup>2</sup> and "to discuss any question or matter within the competence of the Authority"<sup>3</sup>. Moreover, section 3(1) of the Annex to the Agreement of 1994 provides: "The general policies of the Authority shall be established by the Assembly in collaboration with the Council."

The operation of various provisions of the Convention is premised on the existence of general policies elaborated by the Assembly. Article 162(1) provides: "The Council shall have the power to establish, in conformity with this Convention and the general policies established by the Assembly, the specific policies to be pursued by the Authority on any question or matter within the competence of the Authority." Article 170(2) provides: "The Enterprise shall act in accordance with this Convention and the rules, regulations and procedures of the Authority, as well as the general policies established by the Assembly, and shall be subject to the directives and control of the Council."

Within the last decade, there has been growing concern amongst State parties and the international community in general, for the protection of the marine environment. We have become aware of the richness that lays in our ocean, but also of the fragility of its ecosystems. This is particularly relevant with regard to the deep sea, where we have very little environmental and biological information.

Article 145 of the Convention expressly mandates the Authority to adopt appropriate rules, regulations and procedures for the prevention, reduction and control of pollution and other hazards to the marine environment, and the protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the marine environment<sup>4</sup>.

Furthermore, the Authority has the responsibility to ensure that activities in the Area are carried out in accordance with sound principles of conservation<sup>5</sup>

In response to the environmental concerns raised by many member States during the 27th and 28th sessions of the Council and the Assembly, the Authority must consider the adoption of measures and policies to address them. This requires a transparent and well-informed consideration in the context of a faithful implementation of article 145 of the Convention, taking into account the precautionary approach/principle and the common heritage of humankind.

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<sup>1</sup> Article 160(1) of UNCLOS.

<sup>2</sup> Article 160(2)(k) of UNCLOS.

<sup>3</sup> Article 160 (2)(n) of UNCLOS

<sup>4</sup> Article 145 of UNCLOS

<sup>5</sup> Article 150(b) of UNCLOS.

In addition, the General Policy would be relevant for considering how the work under the Authority can contribute to the principles governing the Area such as the principle of the common heritage of humankind and the equitable sharing of financial and other economic benefits derived from activities in the Area in accordance with Art. 140 and 160 para 2 lit. f. and i. of the Convention, inter alia, and the objectives of other internationally agreed frameworks, such as UNFCCC and its Paris Agreement, the Kunming-Montreal Biodiversity Framework and the BBNJ Agreement.

The proponents request the inclusion of a new agenda item for the 29th Session of the Assembly meeting, seeking to initiate a discussion amongst the Member States to address this matter, including the development of a general policy related to the protection of the marine environment.

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