

ISA-23 HIGHLIGHTS: TUESDAY, 8 AUGUST 2017

On Tuesday morning, the Assembly and Council of the International Seabed Authority (ISA) held their opening plenaries back to back, addressing their respective administrative matters. The Assembly also considered requests for observer status. The Legal and Technical Commission (LTC) resumed its work in the afternoon.

ASSEMBLY

Khurshed Alam (Bangladesh), Assembly President for the 22nd session, opened the meeting, underscoring the Article 154 review and recalling the UN Ocean Conference and the recommendations adopted at the fourth session of the Preparatory Committee on the elements of a draft text of an international legally binding instrument (ILBI) under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction (BBNJ). He considered that all the voluntary commitments, including those of the ISA, made at the UN Ocean Conference, demonstrate the widely-understood importance of the ocean and SDG 14 (conserve and sustainably use the oceans, seas and marine resources for sustainable development) and of the need to ensure the sustainability of the marine environment for the benefit of future generations.

Eugénio João Muianga (Mozambique) was elected Assembly President of the 23rd session by acclamation. He emphasized the responsibility and active role of the Assembly in addressing challenges and opportunities relevant to the sustainable use of the oceans, as well as its mandate and role in cooperating with other processes and all stakeholders for better ocean governance.

ADMINISTRATIVE MATTERS: Delegates approved the provisional agenda (ISBA/23/A/L.1) without amendments.

Vice-Presidents: President Muianga called upon regional groups to submit their nominations for the positions of Vice-Presidents. The ASIA-PACIFIC GROUP nominated China; GRULAC nominated Jamaica; and the EASTERN EUROPEAN GROUP nominated the Russian Federation. The WESTERN EUROPEAN AND OTHERS GROUP (WEOG) requested more time for consultations.

Credentials Committee: President Muianga called upon regional groups to submit their nominations for the Credentials Committee. The ASIA-PACIFIC GROUP nominated Lebanon and Myanmar; the EASTERN EUROPEAN GROUP nominated the Russian Federation and Poland; GRULAC nominated Panama and Guyana; and the AFRICAN GROUP with WEOG requested more time for consultations.

Finance Committee: Delegates elected Didier Ortolland (France) and Yedla Umasanka (India) to fill two vacancies resulting from resignations in the Finance Committee, for the remainder of the term of the members that resigned from the same geographical region or group of states (ISBA/23/A/6-7).

OBSERVER STATUS: President Muianga pointed to six requests from organizations to obtain observer status in the Assembly. The Secretariat of the Pacific Regional Environment Programme (SPREP) (ISBA/23/A/INF/1/Rev.1), supported by NAURU, the International Policy Laboratory of the Massachusetts Institute of Technology (ISBA/23/A/INF/3), the Center for Polar and Deep Ocean Development (ISBA/23/A/INF/4), the International Marine Minerals Society (ISBA/23/A/INF/5) and the Institute for Advanced Sustainability Studies (ISBA/23/A/INF/6) were awarded observer status without discussion.

Regarding the request by non-profit organization Earthworks (ISBA/23/A/INF/2), UGANDA recommended that the merits of applicants should be scrutinized before observer status is granted, following the practice of the General Assembly. BRAZIL requested clarification on whether the full set of information received by Earthworks is included in the document, underscoring that the information contained in it is very limited and stating that “we barely know what this entity does.” ISA Secretary-General Michael Lodge (UK) explained that, following established ISA practice, the Secretariat reproduces the material provided by applicants in the meeting documents for the Assembly’s consideration. President Muianga proposed that, in the future, the Secretariat should ensure that the entities requesting observer status provide more substantial information. JAMAICA underscored that the other requests for observer status follow a standard format and thus provide extensive information, and asked whether any arrangements with Earthworks have been made by the Secretariat. Secretary-General

Lodge responded that no arrangement had been made, explaining that further information had been requested by the Secretariat but had not been provided by Earthworks. NIGERIA cautioned against granting observer status based on a four-paragraph letter. AUSTRALIA noted that as an increasing number of organizations apply for observer status, a full set of information should be required for the Assembly to take a decision. President Muianga suggested, and delegates agreed, to defer the decision on the application by Earthworks until additional information is provided; and congratulated the five new observers, noting that this is the beginning of cooperation and collaboration for the fulfilment of the ISA's mandate.

THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION recalled his objective to ensure that the ocean is properly mapped to the benefit of all human activities in or under the sea, in the context of the 2030 Agenda for Sustainable Development; called upon the ISA to ensure that the geo-spatial and environmental information provided by contractors is made as widely available as possible in the common interest to use and understand the ocean environment; pointed to the Agreement of Cooperation with the ISA concluded in 2016; and emphasized appropriate data transfer protocols and data exchange standards, including for the ongoing deliberations in the LTC.

COUNCIL

Mauriusz Orion Jedrysek (Poland), Council President for the 22nd session, opened the meeting, recalling the voluntary commitments made by the ISA at the UN Ocean Conference, on: enhancing the role of women in marine scientific research (MSR) through targeted capacity building; encouraging dissemination of research results through the ISA Secretary-General Award for Deep-Sea Research Excellence; enhancing deep-sea marine biodiversity assessments through the creation of online taxonomic atlases linked to deep-sea mining activities in the Area; fostering cooperation to promote the sustainable development of Africa's deep-seabed resources in support of Africa's blue economy; mapping the blue economy of Africa to support decisionmaking, investment and governance of activities undertaken on the continental shelf and adjacent international seabed area; and improving the assessment of essential ecological functions of the deep seas through long-term underwater oceanographic observations in the Area. He called attention, among the agenda items, to the submission entitled "Development of Environmentally Responsible Mining Technologies: Towards an Approval Process for Mining Equipment" and the outcome of the workshop titled "Towards an ISA Environmental Management Strategy for the Area", held in March 2017, in Berlin, Germany, which was published as an ISA technical study.

Ariel Fernández (Argentina) was elected by acclamation as Council President for the 23rd session. He underscored the importance of working by consensus in a challenging and interesting new period for the ISA.

ADMINISTRATIVE MATTERS: Delegates adopted the agenda without amendment (ISBA/23/C/L.1). President Fernández reminded participants that, according to the rules of procedure of the Council, the Secretary-General examines the credentials and submits a report for approval, and deferred consideration of this agenda item, until the report is ready.

Vice-Presidents: President Fernández called upon the regional groups to submit their nominations for the positions of Vice-Presidents. The AFRICAN GROUP appointed Algeria; the ASIA-PACIFIC GROUP appointed Singapore; the EASTERN EUROPEAN GROUP appointed Poland; and WEOG requested more time for consultations. President Fernández suggested, and delegates agreed, that, following the practice in the Assembly, the three nominees be endorsed.

Election to fill vacancies in the Legal and Technical

Commission: President Fernández noted that the LTC has three vacancies, following recent resignations (ISBA/23/C/3), recalling that in accordance with UNCLOS and the rules of procedure of the Council, in the event of resignation of a member of the LTC prior to the expiration of the term of office, the Council must elect for the remainder of the term a member from the same geographical region or area of interest. He announced the new nominations: Gastón Fernández Montero (Chile), Alonso Martínez Ruiz (Mexico) and Piotr Nowak (Poland).

UGANDA stressed that each nomination should be considered separately, cautioning against establishing a precedent. Secretary-General Lodge reiterated the rules underpinning the election, noting that issuing a single document for the three resignations and replacements was made for cost-saving purposes. President Fernández then announced each candidate separately and they were all approved by acclamation.

IN THE BREEZEWAYS

As delegates gathered for the opening plenaries of the International Seabed Authority's main organs, many recognized familiar faces from the fourth session of the Preparatory Committee on a new legally binding instrument on marine biodiversity of areas beyond national jurisdiction and the UN Ocean Conference, where references were made to the role of the ISA in relation to marine scientific research and capacity building, and its links to the blue economy. Increased interest in the work of the ISA was also evidenced, according to veterans, in an unexpected discussion on one of the requests for observer status in the Assembly, when delegates emphasized the need to obtain satisfactory information about the relevance of various organizations to the mandate of the ISA and their interest in its work.

As the two organs adjourned to allow the Legal and Technical Committee to conclude its work, including on the eagerly anticipated draft exploitation regulations, participants pondered on the possible outcomes of the first periodic review of the ISA, particularly in relation to transparency and environmental protection, in light of the many references to the timeliness of framing the contribution of the ISA in the context of the 2030 Agenda for Sustainable Development.