

ISA-24 Part 2 Highlights: Monday, 23 July 2018

On Monday, 23 July, the Assembly of the International Seabed Authority (ISA) opened and discussed:

- the possible development of guidelines on observers; and
- the report of the President of the Council.

In the afternoon, the Assembly heard the report of the ISA Secretary-General and witnessed the award of the inaugural Secretary-General's Award for Excellence in Deep-sea Research.

Opening

Eugénio João Muianga (Mozambique), Assembly President for the 23rd Session, opened the meeting. The Russian Federation, on behalf of the EASTERN EUROPEAN GROUP, nominated Mariusz Orion Jędrysek (Poland) as Assembly President of the 24th Session, who was elected by acclamation.

Assembly President Jędrysek noted the importance of: the draft strategic plan to be considered by the Assembly to provide direction to the ISA for the next five years; and the work of the Legal and Technical Commission (LTC) and the Council on the draft exploitation regulations, highlighting the need to strike the right balance of appropriate regulation, environmental protection, and fair and equitable sharing of the benefits from the common heritage of humankind.

Administrative Matters

Delegates adopted the agenda (ISBA/24/A/L.1) with a minor amendment. Delegates appointed Morocco, Bangladesh, Mexico and Belgium to the positions of Vice-Presidents.

Observers: President Jędrysek introduced requests for observer status from Earthworks (ISBA/24/A/Inf.1), Japan Agency for Marine-Earth Science and Technology (JAMSTEC) (ISBA/24/A/Inf.2); and Mining Standards International (MSI) (ISBA/24/A/Inf.3). INDIA noted that JAMSTEC is a governmental agency, whereas the two other candidates are considered NGOs. JAPAN clarified that in the Japanese legal system, JAMSTEC is an independent administrative agency. INDIA, opposed by CHILE, stressed that although the objectives of MSI are relevant to the ISA's work, it is a new body with little activity, and requested more information. SENEGAL, ECUADOR and TOGO supported the submission. The Assembly granted observer status to the three organizations. JAMSTEC highlighted accomplishments in diving technology and computing performance, including the launch in 2014 of a research project to develop deep-sea mining, assuring that the technology is available to all parties.

BELGIUM, supported by FRANCE, AUSTRALIA, MONACO, JAMAICA, MOROCCO, NIGERIA, CHILE and PANAMA, suggested developing more detailed guidelines and criteria for analyzing the merits of observer applicants. BRAZIL raised concerns with regard to budgetary implications. CHILE noted that the ISA should promote the participation of the largest possible number of observers, while recognizing budget implications. The AFRICAN GROUP supported the guidelines but cautioned against unduly limiting the scope. BRAZIL recommended that the guidelines should be designed not to limit the participation of NGOs, but to assist with informed decision-making. JAMAICA supported developing guidelines, while stressing the need to ensure timely and efficient work. The GAMBIA underscored NGOs' integral role in the ISA's work that should be valued. The DEEP SEA CONSERVATION COALITION (DSCC) suggested drawing on the Almaty Guidelines on promoting the application in international forums of the principles of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. Alfonso Ascencio-Herrera, ISA Legal Counsel and Deputy to the Secretary-General, clarified that, if agreed, these guidelines could be developed for the 25th Session.

Report of the President of the Council

Council President Olav Myklebust (Norway) introduced the Council President's statement on the work of the Council during Part I of the twenty-fourth session (ISBA/24/C/8). He outlined, *inter alia*: the approval of 28 exploration contracts; the development of regional environmental management plans (REMPs), with delegates considering transparency essential; and a detailed analysis of contractors' compliance, including efforts to facilitate the availability of non-confidential information. He further outlined delegates' consideration of the draft exploitation regulations, focusing on: the payment mechanism; the role of sponsoring states; the role and legal status of standards and guidelines; broader environmental policy and regulations; and the roles of the ISA organs in implementing the regulations. Myklebust also underscored that the written report of the Part II meeting will be available soon, noting that the Council: took note of an ongoing comparative study of national legislation to be completed for Council consideration by 2019; confirmed the need to adopt the draft regulations as a matter of urgency and to strengthen environmental measures; and considered progress in a study on operationalizing the Enterprise, to be considered by the Council in 2019. The NETHERLANDS, supported by many, suggested that oral reports by the Council president become a stand-alone item on the Assembly's agenda, which delegates agreed to.

CHINA expressed willingness to continue working on the regulations with an “open attitude.” CHILE inquired about the procedure that led to the hiring of MIT as consultants for the financial payment system, noting the usefulness of having more consultants to compare different approaches. Secretary-General Lodge clarified that the MIT appointment resulted from a procurement process. NORWAY recalled widespread support for Germany’s submission on streamlining the ISA’s work and requested a follow-up on this topic. The AFRICAN GROUP expressed concern about the proposed deadlines.

The Enterprise: The AFRICAN GROUP reiterated the request to operationalize the Enterprise with the appointment of an independent special representative. MOROCCO, supported by GHANA and BRAZIL, requested mentioning the Enterprise in the Council’s written report, as this item is relevant for the exploitation phase. Secretary-General Lodge underscored his commitment to the Enterprise.

Report of the Secretary-General

Secretary-General Lodge introduced his report (ISBA/24/A/2). He pointed to, *inter alia*, the four voluntary commitments by the ISA to the 2017 UN Oceans Conference and collaboration with the International Tribunal for the Law of the Sea, the International Oceanographic Commission of the UN Educational, Scientific and Cultural Organization (UNESCO), the International Maritime Organization, the Convention for the Protection of the Marine Environment of the North-East Atlantic (“OSPAR Convention”), the North East Atlantic Fisheries Commission, and the Convention on Biological Diversity. He underlined the growing list of collaborations between the ISA and organizations concerned with the oceans, in particular with the marine environment.

Lodge emphasized: the ISA’s encouragement of marine scientific research in the Area; workshops on regional environmental management plans (REMPs), the definition and use of area-

based management tools for environmental assessment, and processing technologies and metal recoveries; the development of REMPs, encouraging collaboration among all stakeholders; the data management strategy, including stakeholder training and the production of a database management user manual; the contractor training programme; and the Endowment Fund, which has supported 126 young scientists from 45 different countries.

Lodge introduced the Secretary-General’s Award for Excellence in Deep-sea Research, aimed to encourage and celebrate the participation of young scientists from developing countries in deep-sea research. He announced that the inaugural winner of the Award is Dr Diva Amon (Trinidad and Tobago). Awardee Amon called for encouraging diversity and improving opportunities for women and developing-country researchers to foster change and share knowledge on the deep sea.

In the Corridors

With a record number of attendees, the Assembly is expected to adopt the first strategic plan for the ISA. At least one regional group is rumored to be preparing amendments to the text, while other delegations are expected to suggest only minor adjustments to the version under consideration. Meanwhile, NGOs hope that transparency and participation will be in the spotlight this week. “We are already warming up to the theme,” a delegate quipped, “with this initial discussion on observers.” Transparency was also the theme of a lunch-time side-event, where civil society welcomed that the revised draft exploitation regulations no longer use the term “interested person,”—which was considered too restrictive—but rather “stakeholder”; and that the strategic plan incorporated many of their suggestions. “Public access is now clearly provided for environmental information, but information on other topics, including financial ones, is also of interest to humankind,” commented a participant, recalling that the workshop organized over the weekend focused on what it means to fully operationalize the common heritage principle.



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