

Greenpeace International intervention

ISA Assembly, 22 July 2015

Thank you Mr President. We join the other delegates in congratulating you.

Mr President, Members of the Assembly, observers and other members of civil society.

Arvid Pardo said in his famous 1967 speech that the dark oceans were the womb of life – from the protecting oceans life emerged. His historic vision that the seabed and ocean floor are the common heritage of mankind is now enshrined in the Convention. Mr President, we now know far more about the ocean, which still gives us life - over half the oxygen we breathe, 20% of our protein, absorption of carbon dioxide and even taking up over 80% of the heat added to the climate system. But the ability of marine ecosystems to provide these vital services is under threat. It is up to us, as stewards for the common heritage of mankind, to preserve that womb and source of life, the oceans, and in particular the deep sea.

Arvid Pardo also wrote that common heritage requires a system of management involving all stakeholders, and described that as one of the revolutionary bases of the common heritage concept. Transparency was called for in Principle 10 in the Rio Declaration in 1992, and 20 years later was embraced by all States at Rio+20 in 2012. The Aarhus Convention and its principles of transparency and public participation are embedded in the Clarion Clipperton Zone Environmental Management Plan. Mr President, we have heard numerous Member States in this 21st session endorse the principle of transparency, and we welcome this.

Mr President, since the last session, and as we heard yesterday in Council, States have agreed in the United Nations General Assembly in resolution 69/65 to develop an international legally-binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. We look forward to seeing many of the delegates here at the two negotiation sessions next year.

Mr President, the Authority has embarked on the challenging journey of developing exploitation regulations. We are mindful that deep sea mining must not take place until appropriate and effective regulations for exploration and exploitation are in place to ensure that the full range of marine habitats, biodiversity and ecosystem functions are adequately and effectively protected, including through a network of marine protected areas and reserves. My colleague from the Deep Sea Conservation Coalition will address this in more detail. We look forward to participating in developing all these issues, including the priority deliverables such as environmental assessment and management, defining serious harm, responsibility and liability.

Mr President, at this session, some documents and intervention have referred to the concept of so-called offsets, such as taking onshore conservation or restoration initiatives. We strongly submit to you that the Convention, and modern conservation principles, require protection and preservation of the marine environment of the Area. Article 145 of the Convention is but one example. To put it simply: it is the job of the authority to adopt rules and regulations for 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. Offsets, including particularly coastal areas, are not a viable or permissible alternative to protecting the environment of the deep sea environment of the Area.

Finally, Mr President, the Article 154 Review is crucial in laying the groundwork for the Authority to be able to respond to the vastly increased demands on it, focusing particularly on

development of the exploitation regulations. We suggest adding to the proposed Terms of Reference possible measures, such as working groups, for Assembly and Council as well as LTC, which will be critical to this. This is in effect expanding the second half of current paragraph (f), being “measures that will lead to the improvement of its future operations”, to the other two organs as well as the LTC.s The terms of reference would also benefit from a specific reference to transparency and accountability, which are central to working methods.

We also suggest a broad reference to the working method of the whole authority: for instance, we believe that it is a gap that there is no Environmental Committee as such. Nor is there a specialist Scientific Committee, which is seen, for example, in every Regional Fisheries Management Organisation. The Review could consider whether such groups should be established. However, we are concerned that if the Review is not delivered until the 23rd Session, that this could delay necessary improvements in the working methods of the Authority for 3 years. This could in turn delay the development of the exploitation regulations.

Further on the Review, the process for review of regional fisheries management organisations was extensively debated by the UN Fish Stocks Review Conference in 2006. The Conference concluded that it “encourage[d] the inclusion of some element of independent evaluation in such reviews; and ensure that the results are made publicly available. The reviews should use transparent criteria based on the Agreement and other relevant instruments.” Since then, a significant number of such reviews have been carried out, each involving independent reviewers. We commend this approach to the Assembly of including an element of independence and including transparency in the Review Committee proposed in paragraph 13 of ISBA/21/A/4.

In this context, we also suggest that the Review Committee should include representatives from stakeholder groups including observers.

In summary, we suggest an element of independence, we suggest that stakeholders be included, we suggest adding to the terms of the reference transparency, the working methods of the Authority of all three bodies – Assembly, Council and LTC - as well as how they work together and the Authority as a whole- and we suggest that careful thought be given to timing of the report and following Assembly debate.

Thank you Mr President.