



## **International Seabed Authority's (ISA) contribution to the United Nations Secretary-General's background note for the preparatory meeting of the United Nations Conference to Support the Implementation of Sustainable Development Goal 14 18 November, 2016**

### **Introduction**

1. This paper responds to the request<sup>1</sup> made by the Secretary-General and by the Special Advisor (to the co-host) of the United Nations Conference to Support the Implementation of Sustainable Development Goal 14, calling on the UN systems and other organizations to submit relevant inputs outlining the challenges and opportunities relating to, as well as actions towards, the implementation of SDG 14 and related partnership.

2. The ISA has a broad role to play in relation to the protection and preservation of the marine environment. Under articles 143 and 145 of UNCLOS it has a general responsibility to promote and encourage the conduct of marine scientific research in the Area and a duty to ensure effective protection of the marine environment from harmful effects which may arise from mining-related activities in the Area. These duties were given added emphasis in the 1994 Agreement, which, *inter alia*, requires the Authority to give priority to "*the adoption of rules, regulations and procedures incorporating applicable standards for the protection and preservation of the marine environment*"<sup>2</sup> and requires that an application for approval of a plan of work for exploration is accompanied by an assessment of the potential environmental impacts of the proposed exploration activities and a description of a programme for oceanographic and baseline environmental studies<sup>3</sup>. UNCLOS also requires the Legal and Technical Commission (LTC) of the Authority to *inter alia*: make recommendations to the Council on the protection of the marine environment; take into account assessments of environmental implications when formulating rules, regulations and procedures<sup>4</sup> and make recommendations regarding the establishment of monitoring programmes.

### **The Int'l Seabed Authority & the SDG 14 Targets**

2. SDG 14 deals with "*Life below Water*" and calls for the "*Conservation and sustainable use of the oceans, seas and marine resources for sustainable development*". Of the 10 indicators or targets for SDG 14, the ISA makes relevant contribution towards the possible attainment of **SDG Target 14.2** "*Sustainable management and protection of marine and coastal ecosystems and strengthening resilience*", **SDG Target 14.5** "*Marine Protected Areas and effective management plans*" and the cross-cutting issues under **SDG Target 14(a) & (c)** "*Means of Implementation including financial resources, capacity building and technology transfer and enhance conservation and sustainable use of oceans and their resources by implementing international law as reflected in the United Nations Convention on the Law of the Sea (UNCLOS)*."

### **Target SDG 14.2**

3. Contributing to global efforts towards "*Sustainable management and protection of marine and coastal ecosystems and strengthening their resilience*", the ISA, according to its mandate, is currently embarking on the

<sup>1</sup> Note Verbale Ref: DSD/2016/480; DOALOS/2016/1 date 2 November, 2016

<sup>2</sup> 1994 Agreement, annex, Section 1, paragraph 5(g)

<sup>3</sup> 1994 Agreement, annex, Section 1, paragraph 7.

<sup>4</sup> UNCLOS Article 165, paragraph 2

development or formulation of **Environmental Regulations to manage the effect of Deep-seabed Mining**. Effort towards this initiative commenced in earnest in **2015** and is expected to continue until **2020**. Stakeholders involved include all members and observers of the ISA, relevant and interested UN bodies, international and regional organizations, civil societies, educational institutions, Environment/Ocean NGOs, individual scientists, environmentalist and all ISA Contractors. The Regulations, when operational, will have global applicability and will cover all seabed and ocean floor beyond the limits of national jurisdiction<sup>5</sup>.

4. The overall objective for the development by the International Seabed Authority' of the Environmental Regulations is to ensure *inter alia* orderly, safe and rational management of the resources of the Area, including the efficient conduct of activities, in accordance with sound principles of conservation, and the avoidance of unnecessary waste<sup>6</sup>. The Regulations aims to ensure effective protection for the marine environment from harmful effects which may arise from activities such as drilling, dredging, excavation, disposal of waste, construction and operation or maintenance of installations, pipelines and other devices. It also strives to ensure the prevention, reduction and control of pollution and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment including 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>7</sup>. The adoption of the Regulations will provide a vehicle that contributes directly to the implementation and realization of SDG 14 i.e. the "*Conservation and sustainable use of the oceans, seas and marine resources for sustainable development*".

5. Formulating rules to regulate and manage the effect of deep-seabed mining in the Area, given its vastness, has its own sets of peculiar challenges. First amongst these is the scarcity of data and dearth of information required for the accurate formulation of the rules. Second, relates to the supervision and management of the implementation of the regulatory measures. The third challenge concerns the costs of implementation. Addressing these challenges will require innovative thinking and will involve *inter alia* assessing current best practices. Concerted efforts and involvement of all stakeholders is paramount for these measures to succeed.

#### **Target SDG 14.5**

6. Contributing to **SDG Target 14.5**, the ISA is currently engaged in the **establishment of Environment Management Plans (EMP) and EMP-Strategies in the Area** specifically, around the ISA contracted areas in the Atlantic, Indian and Pacific Oceans. The ISA is also currently in the process of reviewing the EMP for Clarion-Clipper ton Fracture Zones (CCZ). These initiatives are envisaged to continue beyond 2020.

7. The main challenges confronted by the ISA in furthering these initiatives are identical to those confronted by most within national jurisdictions. The acquisition of sufficient credible scientific data and information to assist in assessment of cumulative impacts to establish EMPs and the need to ensure representativeness and preservation of unique features ranks high amongst these challenges. The high cost of conducting marine scientific research in the Area, the need for collation, deciphering, storage and dissemination of data and information and finding ways to encourage work by Contractors and the Scientific Community also possess real and unique challenges. To address this, the ISA is now encouraging participatory and transparent approach with all of its stakeholders- through workshops, seminars and side-events at its annual sessions. Increasing the visibility of the environmental work undertaken by ISA contractors and the scientific community; monitoring and independent review of data; standardization of

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<sup>5</sup> UNCLOS Article 1(1)

<sup>6</sup> UNCLOS Article 150(b)

<sup>7</sup> UNCLOS Article 145(a)&(b)

environmental data; keeping up with scientific progress (protocols/sampling methods); and encouraging cooperation and collaboration among Contractors are some of the ways and means of addressing these challenges. The ISA is also embarking on the formulation of a data management strategy<sup>8</sup>.

### **SDG Target 14(a) & (c)**

8. The ISA also contributes to the implementation of **SDG Target 14(a)** *“increase scientific knowledge, develop research capacity and transfer marine technology.....in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular small island developing States (SIDS) and least developed countries(LDC)”* and **SDG Target 14(c)** *“Enhance the conservation and sustainable use of oceans and their resources by implementing international law as reflected in UNCLOS...”* through its **Contractor’s Training Program, Endowment Fund for Marine Scientific Research and its internship programme.**

9. Contractors with the Authority have a legal obligation to provide and fund training opportunities (**Contractor Training**) for trainees from developing States and the Authority. Since July 2011, a total of 17 exploration contracts have been signed with the Authority, 3 approved plans of work are to be signed in the form of contracts and 1 new application was approved in July 2016. When all existing and new contracts are implemented, it could be expected that about 200 training places would be made available by ISA contractors from 2016 to 2020. The types of training include at-sea training, engineering training, fellowship training, master’s and PhD programmes and workshop internship.

10. The ISA’s **Endowment Fund** for Marine Scientific Research in the Area aims to promote and encourage the conduct of marine scientific research in the Area for the benefit of humankind as a whole, in particular by supporting the participation of qualified scientists and technical personnel from developing countries in marine scientific research programmes and offering them opportunities to participate in training, technical assistance and scientific cooperation programmes. As at 20 October 2016, a total of 111 scientists or government officials from 45 countries have been beneficiaries of financial support from the endowment fund.

11. The **Internship** Programme of the ISA provides a framework through which students and young government officials from diverse academic backgrounds gain exposure to the work and functions of the Authority in order to enhance their educational experience and/or gain experience in the work of the Authority. It also enables the Authority to benefit from the assistance of qualified students and young government officials specialized in various skills within the scope of activities of the Authority. The Authority accepts interns on a limited basis, depending on the specific needs of respective offices and their capacity to effectively support, accommodate and supervise the interns. To date, in terms of assistance to SIDS and LDCs, the ISA has hosted internship of students and government officials from Pacific Island countries through its partnership with the European Union.

12. The major challenge confronted by these initiatives (specifically- the Endowment Fund) is the need for finding ways to secure continuous replenishment of contributions to the fund. The formula adopted by the ISA under its Contractor Training Programme offers guaranteed solution to challenges posed by inconsistency of non- obligatory capacity building initiatives and is worthy of replication.

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<sup>8</sup> See: ISBA/22/LTC/15