

## **Some impacts of the United Nations Informal Consultative Process on Oceans and the Law of the Sea on the activities of the International Seabed Authority**

The International Seabed Authority was established by the entry into force on 16 November 1994 of the United Nations Convention on the Law of the Sea (“the Convention”) as the organization through which States Parties to the Convention organize, carry out and control activities with respect to mineral resources in the Area, for the benefit of mankind. This is done in accordance with Part XI of the Convention and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea (the 1994 Implementation Agreement), which the United Nations General Assembly adopted by its resolution 48/263 on 28 July 1994.

The Area starts where the national jurisdiction of States over the seabed and ocean floor and subsoil thereof ends. This represents a vast residual space of some 260 million square kilometres in size, which remains largely unknown. This provides the context in which the Authority exercises its main function to encourage the development of seabed mineral resources. This also explains why the responsibilities of the Authority under articles 143 and 145 of the Convention are of vital importance. Article 143 refers to the responsibilities of the Authority regarding the promotion, the encouragement, the coordination of marine scientific research activities in the Area and the dissemination of the results of such research. Article 145 defines the responsibilities of the Authority with respect to the protection of the marine environment from harmful effects that may arise from activities in the Area.

As a permanent observer to the General Assembly, the Authority has participated as an observer in the meetings of the United Nations Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS) since the first meeting in 2000. Recognising that the Authority cannot exercise effectively its exclusive mandate in respect of mineral resources in isolation, UNICPOLOS has provided a useful opportunity to foster an integrated approach on ocean-related matters.

More specifically, given the mandate of the Authority and the priorities for action that are set out in the 1994 Implementation Agreement, the meetings of UNICPOLOS that have been of special relevance for the Authority are those that focused on marine science and the development and transfer of marine technology (second meeting 2001) and on the protection and preservation of vulnerable marine ecosystems that are associated with deposits of polymetallic sulphides and cobalt-rich ferromanganese crusts (Third meeting (2002), item (i); fourth meeting (2003), item (ii), fifth meeting (2004), seventh meeting (2006) and eighth meeting (2007)).

Three examples are given below which illustrate directly how the discussions and recommendations of UNICPOLOS have contributed to the consideration of three issues on the current agenda of the Authority: (a) the adoption of two sets of regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area, (b) the access of scientists from developing countries to marine scientific research and (c) the protection of marine vulnerable ecosystems, in particular around hydrothermal vents where deposits of polymetallic sulphides are known to occur.

### **(a) Regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts**

Two sets of regulations are currently under consideration by the Council of the Authority. They relate to prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts. They are not only based on sound economic principles but are also elaborated on the basis rigorous environmental standards, including the application of the precautionary approach. This is illustrated by the drafting of some environmental provisions of the Regulations that has been directly drawn from the United Nations General Assembly resolution 61/105, para. 83(a). It may be recalled that this resolution, adopted by consensus in 2006, has greatly benefited from the discussions on the protection of the vulnerable marine ecosystems that took place at several meetings of UNICPOLOS. Consequently, the discussions at UNICPOLOS have directly contributed to the elaboration of some environmental provisions of the regulations for polymetallic sulphides and cobalt-crusts.

**(b) Establishment of an Endowment Fund for Marine scientific research**

Several meetings of UNICPOLOS have stressed the lack of access to marine scientific projects for scientists from developing countries and the need to strengthen capacity-building of developing countries by transfer of marine technology. For example, some of the techniques used for research in the Area like the DNA techniques are equally applicable in the exclusive economic zones of many developing countries. In that context, the Authority has made a concrete step by establishing in 2006 an Endowment Fund for Marine Scientific Research in the Area. The Fund became fully operational in 2008 and in January 2009, the Authority announced the opening of applications for the first science fellowships to be awarded under the Fund. The purposes of the Fund are to promote and encourage the conduct of marine scientific research in the Area for the benefit of mankind as a whole, in particular by supporting the participation of qualified scientists and technical personnel from developing countries in marine scientific research programmes and by providing them with opportunities to participate in international technical and scientific cooperation, including through training, technical assistance and scientific cooperation programmes.

**(c) Promotion of marine scientific research on impacts of activities on the marine environment in the Area**

The need for improved understanding of the extent and nature of marine biological diversity and anthropogenic impacts on biodiversity has attracted the attention of the international community. This has been reflected in the discussions at UNICPOLOS and is of high relevance to the work of the Authority.

On several occasions, the discussions in the meetings of UNICPOLOS have insisted on the imperious need to develop marine scientific research in order to acquire the scientific knowledge without which no sustainable development of marine resources, whether living or non-living resources, may be envisaged. Over the past ten years, the Authority has focused its efforts on the promotion of marine scientific research concerning the deep sea environment and on the dissemination of the results and analyses for the benefit of mankind as a whole. Those efforts are illustrated by the Kaplan project in which the Authority has participated. This was the first attempt to study the species composition and rates of gene flow of living organisms across the abyssal nodule province of the Clarion-Clipperton zone in the Central

Pacific Ocean (CCZ). The results were particularly expected given that seven of the eighth contractors of the Authority are carrying out exploration in the CCZ. One of the main outcomes of the Kaplan project result in a set of recommendations for the establishment of a representative network of nine areas for increased environmental awareness. The Kaplan project has been such a fruitful experience that the Authority contemplates the possibility to undertake a similar study of the genetic composition of the biota surrounding the deposits of polymetallic sulphides and cobalt-rich ferromanganese crusts.

In summary, the Authority is convinced that UNICPOLOS has provided important and useful guidance to the Authority on a number of matters of relevance to the work of the Authority and that the opportunity for States and observers to participate in detailed and focused discussions on specific areas of the Law of the Sea has made a valuable contribution to the work of the organs of the Authority over the years.