



**Statement of Hiroko Muraki Gottlieb**

**Head of Delegation and Representative for the Ocean, International Council of Environmental Law**

**Preparatory Commission for the Entry into Force of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction and the Convening of the First Meeting of the Conference of the Parties to the Agreement (First Session)**

*Item 5: Terms of Reference and modalities for the operation of, and rules of procedure for, the subsidiary bodies (Cluster I, Issue 2), Implementation and Compliance Committee*

**New York, Wednesday, 23 April 2025 (PM)**

*Check against delivery*

**Mr. Co-Chair,**

Thank you for giving International Council of Environmental Law the floor. We would like to start by stating that ICEL strongly supports the distinguished delegate of Iceland's idea for the secretariat to receive input from observers, including civil society, which can be considered by the Implementation and Compliance Committee (ICC). Such a process would create an open forum for information and ideas on the Agreement's compliance and implementation.

Article 55.4 of the Agreement states that the ICC "may draw on appropriate information from bodies established under the Agreement" and from relevant IFBs. As the distinguished delegate of CARICOM asked, what form could this information flow take? Would the ICC use the Clearing-House Mechanism and/or seek the Secretariat's support? Regardless of the modalities, information exchange must be done in a transparent manner, as specified in Article 55.1.

The mandate of the ICC, pursuant to Article 55.1, is to facilitate and consider the implementation of, and promote compliance with, the provisions of the Agreement. Would the ICC apply different approaches to its dual task of facilitating and considering the "Implementation of" and promoting "compliance with" the provisions of the Agreement? The overall principles are that the ICC "shall be facilitative in nature" and "non-adversarial and nonpunitive" pursuant to Article 55.1.

Finally, Article 55.3 states that the ICC would consider "issues of implementation and compliance at the individual and systemic levels." When considering systemic issues, the ICC could explore how differences in understanding certain requirements among the Parties can be facilitated, taking into account the respective national circumstances. To that end, the reports of the Parties on the implementation of the Agreement could be a useful source of information. Such a review, documented in a report to be presented to the COP by the ICC, could highlight best practices, as proposed by the distinguished delegate of Côte d'Ivoire on behalf of the African Group. The report could also explore lessons learned by the Parties and by the work of other IFBs.

Thank you.

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