



Periodic review of the Authority under Art. 154 of UNCLOS

Side event hosted by The Institute for Sustainable Development and International Relations (IDDRI); the Research Institute for Sustainability - Helmholtz Center Potsdam (RIFS); and the International Union for Conservation of Nature (IUCN)

Speakers: Klaudija Cremers, IDDRI; Clemens Wackernagel, Head of Delegation of Germany to the ISA; Matthew Gianni, Deep Sea Conservation Coalition; Predeep Singh, IUCN

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Comments by Matthew Gianni, co-founder of the Deep Sea Conservation Coalition:

The Assembly of the ISA is required, under Article 154 of UNCLOS, to “undertake a general and systematic review” every five years, “of the manner in which the international regime of the Area established in this Convention has operated in practice”. On the basis of the review “the Assembly may take, or recommend that other organs [of the ISA i.e., the Council, Secretariat, Legal and Technical Commission] take, measures... which will lead to the improvement of the operation of the regime.” The last Article 154 review was conducted between 2015-2017. Another is one year overdue already.

The Assembly should conduct a general and **systematic review of the structure, functioning and implementation of the bylaws** of the International Seabed Authority, to ensure that it operates as a **transparent, accountable, inclusive and environmentally responsible decision-making regulatory body** that best operationalizes its duty under UNCLOS to act ‘**on behalf of**’, and ‘**for the benefit of**’, **humankind as a whole** (e.g. UNCLOS Articles 137, 140, 143 and paragraph 6 of the Preamble)

The review should be conducted independently and **involve consultation with a broad range of stakeholders in addition to ISA members and observers** to form the basis of discussion, options and recommendations for consideration by the Assembly.

It is important that the Assembly **ensure a more consultative and ‘in depth’ review this time** (compared to the previous review in 2015–2017) given the **very different circumstances in which the ISA finds itself** at present. As we all know, the ISA **will be taking major decisions over the next few years**. A thorough review, and taking appropriate actions on the basis of the review, to make changes to improve the international regime of the Area is plain and simply a matter of good governance.

Moreover, it is critical that the ISA has **broad public support to fulfill the obligation to act on behalf of humankind as a whole**. Failing to undertake a critical, comprehensive and transparent review and to address any perceived weaknesses in the methods and structure of the ISA will likely erode support for the ISA with NGOs, public and private institutions and sectors, other ocean industries, Indigenous peoples and coastal communities and many other interested members of the public. It could also risk **undermining public confidence in the UN Convention on the Law of the Sea** itself.