



## Assembly

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### Twenty-seventh session

Kingston, 1–5 August 2022

Item 6 of the provisional agenda\*

**Consideration of requests for observer status in accordance with rule 82, paragraph 1 (e), of the rules of procedure of the Assembly**

### **Request for observer status in accordance with rule 82, paragraph 1 (e), of the rules of procedure of the Assembly by the Interamerican Association for Environmental Defense**

#### **Note by the secretariat**

1. On 18 March 2022, the Interamerican Association for Environmental Defense, submitted a letter to the Secretary-General of the International Seabed Authority, requesting observer status in the Assembly of the Authority, pursuant to rule 82, paragraph 1 (e), of the rules of procedure of the Assembly. The applicant also submitted an application form, which was prepared in the format prescribed in enclosure 1 to the guidelines for observer status of non-governmental organizations with the International Seabed Authority adopted by the Assembly at its twenty-fifth session (ISBA/25/A/16, annex). The text of the letter and the application form provided by the applicant are contained in annexes I and II, respectively, to the present note.
2. In accordance with rule 82, paragraph 1 (e), of the rules of procedure of the Assembly, non-governmental organizations with which the Secretary-General has entered into arrangements in accordance with article 169, paragraph 1, of the United Nations Convention on the Law of the Sea, and other non-governmental organizations invited by the Assembly that have demonstrated their interest in matters under consideration by the Assembly may participate as observers in the Assembly.
3. Paragraphs 5 and 6 of the same rule also provide that observers referred to in paragraph 1 (e) of the rule may sit at public meetings of the Assembly and, upon the invitation of the President and subject to approval by the Assembly, may make oral statements on questions within the scope of their activities, and that written statements submitted by observers referred to in paragraph 1 (e) of the rule within the scope of their activities that are relevant to the work of the Assembly should be made available by the secretariat in the quantities and in the languages in which the statements are submitted.

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\* ISBA/27/A/L.1.



## Annex I

### **Letter dated 18 March 2022 from the Executive Director of the Interamerican Association for Environmental Defense addressed to the Secretary-General of the International Seabed Authority**

On behalf of the Interamerican Association for Environmental Defense (AIDA), I would like, first of all, to express my congratulations for your commendable work chairing the secretariat of the International Seabed Authority and leading the regulation of mining activity in the Area for the benefit of all mankind and considering the effective protection of the marine environment from the harmful effects that may arise from seabed activities.

As the mining code rulemaking process is at a crucial stage this year, AIDA requests to obtain observer status in accordance with article 169 of the United Nations Convention on the Law of the Sea, rule 82, paragraph 1 (e), of the rules of procedure of the Assembly of the International Seabed Authority and the guidelines for observer status of non-governmental organizations with the International Seabed Authority.

AIDA is a non-profit organization established in 1998 in San Francisco, California, United States of America, with the mission to strengthen people's individual and collective right to a healthy environment through the advancement and implementation of national and international environmental law. Our organization is composed of lawyers and scientific experts from many countries of the continent, such as the United States, Mexico, Guatemala, Costa Rica, Panama, Colombia, Ecuador, Peru, Bolivia, Brazil, Chile and Argentina. Our work reaches 14 countries and we continue to grow in scope.

The focus areas of the work of AIDA are human rights and environment, marine biodiversity and coastal protection, freshwater protection, strengthening environmental governance and public participation, and the reduction of factors that aggravate climate change.

The AIDA Ecosystems Team has been actively working to protect marine resources and biodiversity, as well as coastal communities that are usually affected by industrial activities in the high seas. In this regard, our organization has advocated for improved national and international policies to ensure the sustainable use of marine resources. In this line of work, we are currently leading a working group of Latin American organizations on deep-sea mining to promote science-based decisions and the precautionary approach among member States of our region.

We believe that our experience and the work we have developed over more than 20 years will be an important contribution to the current stage of development of the Mining Code regulations.

*(Signed)* Gladys **Martinez de Lemos**  
Executive Director

## Annex II

### Application for observer status

#### A. Information about the organization

**1. Name of organization**

Interamerican Association for Environmental Defense

**2. Address of headquarters**

50 California St., Suite 500, San Francisco, CA 94111, United States of America

**3. Addresses of all branches and/or regional headquarters**

Atlixco 138, Colonia Condesa, Mexico City, 06140

**4. Telephone number**

+1 (415) 217-2156

**5. Fax number**

+1 (415) 217-2040

**6. Email address**

[aida@aida-americas.org](mailto:aida@aida-americas.org)

**7. Name, title and contact details of focal point**

a. Primary point of contact:

(Mr.) Diego Lillo Goffreri,  
Attorney, Ecosystems Program  
[dlillo@aida-americas.org](mailto:dlillo@aida-americas.org)

b. Secondary point of contact:

(Ms.) María José González-Bernat  
Scientific Advisor, Ecosystems Program  
[mjgonzalezbernat@aida-americas.org](mailto:mjgonzalezbernat@aida-americas.org)

**8. Background information on the organization**

The Interamerican Association for Environmental Defense (AIDA) is a non-profit organization established on January 27, 1998 in San Francisco, California, United States of America, with the mission to strengthen people's individual and collective right to a healthy environment through the advancement and implementation of national and international environmental law.

AIDA works in coordination with local civil society organizations from Argentina, Canada, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Panama, Peru and the United States. Our work consists of providing legal aid, preparing arguments and presenting petitions to governmental agencies and international bodies in cases regarding the adherence to international environmental legislation to influence national and international policy and regulation, to prevent violations of existing norms and to promote the best standards and practices for environmental protection.

**9. Is the organization a member of, affiliated to or otherwise associated with another organization that has been granted observer status with the Authority?**

AIDA is a member of the Deep Sea Conservation Coalition.

**10. Is the organization affiliated to consultants of the Authority, contractors with the Authority, entities in connection with the law of the sea, the offshore and deep-sea mining industry, research institutes or the mineral marketing and processing industry?**

No.

**11. Relationships with intergovernmental organizations**

AIDA has observer status at the Inter-American Convention for the Protection and Conservation of Sea Turtles, the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region and its Protocol concerning Specially Protected Areas and Wildlife (Cartagena Convention), the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and the Inter-American Council for Integral Development, and we hold special consultative status with the Economic and Social Council.

**12. List of publications and/or other relevant documentation**

- “Environmental responsibility through supply chains” (2022)
- *Guide for GCF Watch Coordinators* (2021)
- “Policy brief on fish spawning aggregations” (2020)
- “Tools for sustainable fisheries and coastal management” (2016)
- *International Regulatory Best Practices for Coral Reef Protection* (2015)
- *The Protection of Coral Reefs in Mexico* (2012)
- *Coral Reefs in Costa Rica: Economic Value, Threats and International Legal Commitments to Protect Them* (2012)
- *Environmental Defense Guide* (2010)

**B. Interest in matters under consideration by the Assembly**

**13. Briefly outline how your organization intends to demonstrate its interest in matters under consideration by the Assembly, including by answering questions 14 to 17 and by providing any other relevant information related to the application for observer status.**

In 2020, we created the Latin American Working Group on Deep-sea Mining, composed of expert organizations in marine protection, and achieved its permanent establishment and continuous growth over time. All member organizations have expressed concerns about the potential greater risks faced by the region given the location of the Clarion-Clipperton Zone.

We are also working on the main issues raised by the International Seabed Authority’s Council during the December meeting (effective environmental protection, equitable distribution of benefits and the two-year rule, and the “what if?” scenario), from both a scientific and a legal standpoint. In this regard, we are thoroughly revising the United Nations Convention on the Law of the Sea and International Seabed Authority regulations and we intend to share our findings with

the International Seabed Authority's bodies and with member State delegates from Latin America. In fact, on December 9, 2021, we submitted a letter addressed to the President of the Council, Rear Admiral (Retd.) Md Khurshed Alam, expressing our legal opinion on the interpretation of the two-year rule and the International Seabed Authority's possibilities of action regarding its application. We have notice that deep-sea mining is an almost unknown activity, despite its influence on the common heritage of mankind. This is why we are developing a communications campaign to raise awareness on deep-sea mining among the general public and key decision makers in Latin America, and we intend to develop legal and scientific education activities on the subject. All of the above demonstrates our interest and willingness to actively participate in the International Seabed Authority meetings.

**14. Briefly outline whether and how the purposes or activities of the organization relate to the work of the Authority.**

AIDA is committed to the protection and effective management of marine ecosystems and species. Our organization has advocated improved national and international policies that allow Latin American States to end indiscriminate fishing practices, adopt precautionary fishing policies, protect coastal habitats and develop economic incentives and systems that will facilitate the transition to sustainable use of marine resources. For instance, AIDA offers legal and scientific support to countries regarding fisheries subsidies and the conservation of the high seas, and works with international instruments such as the Scientific Committee to the Inter-American Convention for the Protection and Conservation of Sea Turtles.

Our recent achievements in marine conservation include the following: protection of key reef fish species in Latin America and the Caribbean that are critical to coral reef health; the conservation of more than two million acres of key wetlands ecosystems in Mexico, Panama and Colombia; safeguarding of endangered sea turtles and coral reefs in Costa Rica and Mexico through international treaties; halting of the seaport expansion in Veracruz through an amparo lawsuit, broadening the standing to defend the right to a healthy environment; and acknowledgment of the Kawesqar indigenous peoples in environmental decision-making in their marine territories in the Chilean Patagonia, among others.

**15. Briefly outline whether and how your organization intends to contribute to the work of the Authority, for example by providing specialized information, advice or expertise, or by identifying or helping to procure the services of experts or consultants.**

AIDA aims to support the development of regulations that effectively consider the precautionary approach in International Seabed Authority decision-making, as a way to minimize the impacts of the mining activity on marine ecosystems and coastal communities in Latin America that could be affected by inadequately assessing environmental risk. Our intent is to contribute to the discussion on the approval of the regulations, with the scientific opinion of relevant actors in the region, and include the opinion of our legal experts who are working on comments and new proposals for the Mining Code. This work is aimed at balancing the regulatory standards with the current state of science and the best institutional practices available.

- 16. Briefly outline whether and how your organization has the expertise and the capacity to contribute, within its field of competence, to the work of the Authority, in particular in connection with the law of the sea, the protection of the marine environment, the offshore and deep-sea mining industry, technology, minerals processing and marketing, activities in the Area and marine scientific research in the Area.**

With more than 20 years of experience, AIDA has proven its expertise in marine environmental protection both at a domestic level as well as an international level. Our organization combines legal advocacy with education and alliance-building initiatives; we prioritize high-need, high-impact cases that can set replicable precedents; we propose feasible paths of action, provide legal language that officials can adopt, and disseminate information on pending proposals; we also support our partners' efforts by injecting arguments based on international law into advocacy and litigation. In the latter, we have used the law of the sea and the high seas treaty.

In addition, our team consists of the top legal experts in the field of international environmental law, as well as scientists who graduated from some of the best universities in America and the world. All of them have worked for years with international treaties and regulations that aim for the protection of marine ecosystems from their fields of expertise, and all are willing to collaborate in the process that this year faces the International Seabed Authority.

- 17. Briefly outline whether and how your organization intends to contribute to the capacity-building programmes and initiatives of the Authority (e.g., Secretary-General's award, voluntary commitments of the Authority).**

AIDA intends to contribute in any way the International Seabed Authority deems necessary.

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