



Assembly

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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 Ocean Foundation

Note by the secretariat

1. On 20 April 2022, The Ocean Foundation 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.

* ISBA/27/A/L.1.



Annex I

Letter dated 20 April 2022 from the President of The Ocean Foundation addressed to the Secretary-General of the International Seabed Authority

On behalf of The Ocean Foundation, I am writing this letter to request observer status in the International Seabed Authority. The Ocean Foundation is a non-governmental organization based in Washington, D.C., and is the only community foundation for the ocean. It has non-profit 501(c)(3) status in the United States and was incorporated in 2003. Our mission is to support, strengthen and promote those organizations dedicated to reversing the trend of destruction of ocean environments around the world. We have submitted the application (see annex II) in the format required by enclosure 1 to the guidelines for observer status of non-governmental organizations with the International Seabed Authority ([ISBA/25/A/16](#), annex), more than three months before the opening of part II of the twenty-seventh session of the Assembly, in August 2022. We are submitting to Yongsheng Cai, Senior Legal Officer, per the instructions of the communications and stakeholder engagement strategy (zero draft).

(Signed) Mark J. **Spalding**
President
The Ocean Foundation

Annex II

Application for observer status

A. Information about the organization

1. Name of organization

The Ocean Foundation

2. Address of headquarters

1320 19th St, NW, Suite 500, Washington, D.C. 20036

3. Addresses of all branches and/or regional headquarters

n/a

4. Telephone number

+1 (202) 887-8996

5. Fax number

n/a

6. Email address

bdobush@oceanfdn.org

7. Name, title and contact details of focal point

Bobbi-Jo Dobush, Legal Officer, bdobush@oceanfdn.org

8. Background information on the organization

As the only community foundation for the ocean, The Ocean Foundation's 501(c)(3) mission is to support, strengthen and promote those organizations dedicated to reversing the trend of destruction of ocean environments around the world. We focus our collective expertise on emerging threats in order to generate cutting-edge solutions and better strategies for implementation.

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

Yes, The Ocean Foundation is associated with the following (either as a member and observer or a programme partner): United Nations Environment Programme (UNEP); Intergovernmental Oceanographic Commission; and United Nations Educational, Scientific and Cultural Organization (UNESCO). Specifically, it is a registered civil society organization under the Economic and Social Council and an accredited observer to the United Nations Environment Assembly of UNEP and the United Nations Framework Convention on Climate Change. The Ocean Foundation's President, Mark J. Spalding, serves on the Sargasso Sea Commission. Bobbi-Jo Dobush, the focal point, is a member of the Deep-Ocean Stewardship Initiative. The Ocean Foundation has worked on deep seabed mining issues in conjunction with the Pew Charitable Trusts and is currently applying to become 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

The Ocean Foundation has observer status in UNEP and the United Nations Framework Convention on Climate Change.

The Ocean Foundation is engaged with or is a member of the Global Ocean Acidification Observing Network, the United Nations Decade of Ocean Science for Sustainable Development, the High-level Panel for a Sustainable Ocean Economy, a guidance working group for the UNEP Sustainable Blue Economy Initiative, the Commonwealth Blue Charter, the Monaco Blue Initiative and the Global Island Partnership.

12. List of publications and/or other relevant documentation

The Ocean Foundation maintains a knowledge hub with publications and research pages on, for example:

Blue economy (<https://oceanfdn.org/blue-economy/>)

Underwater cultural heritage (<https://oceanfdn.org/underwater-cultural-heritage/>)

Seabed mining (<https://oceanfdn.org/seabed-mining/>)

Ocean and climate change (<https://oceanfdn.org/ocean-and-climate-change/>)

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.

The Ocean Foundation intends to participate in the International Seabed Authority as an observer both virtually and, when possible, in person, in Kingston.

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

The Ocean Foundation has been engaged in supporting various non-governmental organizations with regard to deep seabed mining for the last decade. We have been active regarding the effects of terrestrial mining on marine and coastal ecosystems; we have engaged with regulators regarding sustainability claims related to deep seabed mining in front of the Securities and Exchange Commission, as well as the NASDAQ, and we host a fiscally sponsored project related to deep seabed mining, the Deep Sea Mining Campaign. Our President, Mark J. Spalding, is deeply involved with the UNEP Sustainable Blue Economy Initiative and is a member of its working group that will issue finance and investment guidance on deep seabed mining. He also counsels financial institutions and foundations on standards for sustainable blue economy investments. He and The Ocean Foundation are the exclusive ocean advisors to two ocean-centric investment funds with a combined \$920 million in assets under management.

Our focal point for deep seabed mining, Bobbi-Jo Dobush, has a decade of experience both challenging and defending environmental impact statements and has provided critical comments on various deep seabed mining proposals. Her position is informed by years of advising on project development and permitting, as well as environment, social and governance and sustainable finance reporting regimes at a corporate law firm. She leverages existing relationships with lawyers, scientists and scholars working on stewardship of the deep sea.

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.

We will provide expertise on successful international ocean governance, the financial and risk-related requirements for large extractive industries and the twenty-first century application of the law of the sea.

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.

The Ocean Foundation has substantial policy experience and expertise. We are actively engaged in thought leadership on carbon removal and sequestration technologies. We have worked on policy related to ocean acidification, blue carbon, deep sea mining, marine protected areas, plastic pollution, sustainable seafood and offshore oil and gas, etc. This has included development of policy at the international, regional, national and subnational levels. The Ocean Foundation's Senior Fellow, Ole Varmer, has over 30 years of legal experience in international and United States environmental and historic preservation law. Most recently, he was the legal expert on the UNESCO team that produced the Evaluation Report of the 2001 Convention on the Protection of Underwater Cultural Heritage (2019). He worked for almost 33 years at the National Oceanic and Atmospheric Administration of the United States Department of Commerce, where he developed his expertise in the law of the sea, marine environmental law, maritime law and heritage law (natural and cultural). Mark J. Spalding taught international ocean law and policy for almost ten years at the University of California San Diego Graduate School of International Relations and Pacific Studies and at the Scripps Institution of Oceanography. This included extensive coverage of the drafting and implementation of the United Nations Convention on the Law of the Sea.

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)

The Ocean Foundation has a broad focus on capacity-building. For example, in the past five years, our International Ocean Acidification Initiative has:

- Led 8 regional scientific trainings for more than 150 scientists in Africa, the Pacific Islands, Latin America and the Caribbean on the science of ocean acidification and how to conduct high-quality monitoring and experiments;
- Provided 35 collaborative research and travel grants to scientists in lesser developed nations;

- Held 2 regional policy trainings and 1 national training session for more than 50 policymakers to showcase specific legislative examples of action on ocean acidification and to help policymakers to design legislative frameworks that best address their local needs;
 - Published a comprehensive guidebook on ocean acidification legislation;
 - Developed a new kit of monitoring equipment that reduced the cost of monitoring by 90 per cent;
 - Deployed 17 monitoring kits to 16 countries, establishing monitoring where it did not exist before and filling critical knowledge gaps.
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