

# International Seabed Authority

## Press Release

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### **SEABED AUTHORITY'S LEGAL AND TECHNICAL COMMISSION, IN FIRST OPEN MEETING, DISCUSSES BIODIVERSITY IN DEEP SEABED AREA**

The Legal and Technical Commission of the International Seabed Authority, meeting in open session for the first time since the Authority began its tenth session on Monday, this afternoon discussed the protection of the biodiversity of the international deep sea area beyond national jurisdiction.

It first discussed the issue during the Authority's ninth session in 2003 when it emerged that the Commission needed to know more about the seabed and deep-ocean biodiversity if it was to draw up regulations that would safeguard the marine environment. The Commission had, through four informal sub-groups, been examining different aspects of the future prospecting and exploration regulations of polymetallic sulphides and cobalt-rich crusts.

It decided then at that session that Dr Frida Armas Pfirter (Argentina), one of its members, should present a paper dealing with legal implications related to the management of seabed living resources in the international seabed area within the framework of the 1982 United Nations Convention on the Law of the Sea.

In her presentation this afternoon, Dr Armas Pfirter described the legal framework within which the International Seabed Authority operated and outlined some recommendations on its role as the organization established by the Convention to act on behalf of all mankind in protecting the resources of the world's oceans. The Convention represented a comprehensive framework for the regulation of all ocean space.

Beyond the zones under jurisdiction of coastal States there were two different maritime spaces: high seas and the Area, each with its particular legal status. The Area was specifically defined in the Convention as the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction. However, the boundaries of those

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spaces did not always coincide, since either continental shelf or the Area could be found under the high seas. Under the principle of freedom of the high seas, States enjoy freedom of navigation, fishing and scientific research among other rights. They must, however, exercise those rights “with due regard for the interests of other states in the exercise of the freedom of the high seas and also with due regard for the rights under this Convention with respect to activities in the Area.”

The problem within the legal framework, Dr Armas Pfirter pointed out, was that in relation to the exploration and exploitation of resources, the Convention only regulated mineral resources. It did not contain specific provisions on the exploration and economic exploitation of the biological communities associated with the hydrothermal vents or the other living resources of the Area.

Dr Armas Pfirter presented the following conclusions: the Area regime was not limited to mineral exploration and exploitation. It also encompassed cultural heritage, environmental protection and marine scientific research. All States and competent organizations had the right to conduct marine scientific research in the Area, but such activities should be exclusively for the benefit of mankind and should be carried out in conformity with the rules and regulations established by the Authority.

On the role of the Authority, Dr Armas Pfirter said that it must focus on the implementation of Article 145 of the convention, especially the protection of the living resources associated with minerals. She also recommended that the Authority should play a more active role in marine scientific research in the Area, making sure that such research was conducted for the benefit of mankind.

It was important, she added, that the Authority cooperate with other competent organs within the Law of the Sea framework in establishing a regime for the management and protection of the living resources of the sea.

The International Seabed Authority, being the intergovernmental organization established by the 1982 United Nations Convention on the Law of the Sea, regulated only the mineral resources of the Area which was a determined geographic zone different from the high seas.

Following the presentation, members of the Commission joined in a discussion which its chairman, Albert Hoffman (South Africa) said was merely to provide a better understanding of issues related to the management of living resources on the seabed, ocean floor and subsoil of the Area, beyond the limits of national jurisdiction.

The Commission felt the discussion was relevant, in light of the fact that polymetallic sulphides, for which a set of regulations were being drafted, had specific links to living organisms and resources in the deep seabed.

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Primarily, members sought to identify the mandate in the Convention that would allow the Authority an active role in the protection of living resources in the seabed. They acknowledged the existence of a gap in the regime for regulating bioprospecting, and proposed greater cooperation between the Authority and other intergovernmental organizations concerned with activities in the different maritime spaces.

At the outset members sought a clear definition of the terms biodiversity and living resources of the deep seabed within the context of the discussion. One member suggested the need for a global framework to define resources and environmental issues in the Area, noting that biodiversity was related in concept to both the resources of the seabed and the marine environment. There was a suggestion that existing global instruments on biodiversity could be looked at and the work of regional bodies or research institutions on the subject studied.

Discussion also focused on the provisions of the Convention related to marine scientific research and how such provisions were interconnected with mechanisms of other organizations dealing with living resources. While members pointed to the Authority's mandate under Article 145, to ensure effective protection of the marine environment, it was noted that organizations, such as the Intergovernmental Oceanographic Commission (IOC) and the Convention on Biological Diversity (CBD), were instituting their own set of guidelines and required state parties to meet specific obligations.

Members called for greater sharing of information between the Authority, specialized agencies and other intergovernmental institutions to arrive at a better understanding of roles. It was the view of some LTC members that a legal gap needed to be addressed in light of the fact that a non-mineral resource, with an economic value, in a specific location in the Area remained unregulated.

Contributing to the discussions, the Secretary-General of the International Seabed Authority, Satya N. Nandan, said the Authority had been carrying out its mandate under the Convention to ensure that there was no serious damage to the international deep sea Area environment. Just as contractors were required to conduct their activities with due regard to the protection of the environment, the Authority needed to encourage scientists to enter into good practices in their research in the deep sea area. Both activities could pose a threat to the flora and fauna of the Area, he said.

On the question of benefits to all mankind of the resources of the Area, he said the issue was how to utilize baseline research towards that goal. On cooperation between the Authority and institutions or organizations, he said contacts had been initiated by the

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Authority and those would be increased. He said a seminar had already been planned for September with the topic: “Polymetallic sulphides and cobalt crusts – their environment and considerations for the establishment of baselines and an associated monitoring programme for exploration.”

The 24-member Commission had been meeting in closed session since 17 May. It had been scheduled to consider during its closed sessions, the annual reports of entities with contracts with the Authority on prospecting and exploration of the seabed area; a progress report on the project to establish a geological model for the Clarion-Clipperton Fracture Zone and also consider the outcome of the Authority’s workshop on standardization of environmental data and information.

A small number of experts participated in an informal discussions from 17 to 19 May on specific aspects of the draft regulations on polymetallic sulphides and cobalt-rich crusts to help the Commission in its work on the subject.

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