

April 24, 2024

MR. MICHAEL W. LODGE
Secretary General
International Seabed Authority
Kingston, Jamaica

Re: Request for observer status

Dear Secretary General:

The Center for Biological Diversity would like to request 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.

The Center for Biological Diversity is a United States-based nonprofit organization working to protect endangered species through legal action, scientific petitions, creative media, and grassroots activism. It was founded in 1989 and is based in Tucson, Arizona. The organization's mission is to secure a future for all species, great and small, hovering on the brink of extinction, by protecting the lands, waters, and climate they need to survive⁴. The Center is committed to promoting both biological and cultural diversity and believes that the welfare of human beings is deeply linked to nature.

The Center's staff has been actively working to protect marine resources and biodiversity as well as coastal communities that are 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 currently belong to a working group of Latin American organizations on deep-sea mining that seeks to promote science-based decisions and the precautionary approach among member states of our region.

We believe that our experience and our work over more than 35 years will be an important contribution to the current stage of development of the deep sea mining regulation.

Peter Galvin
Director of Programs
Center for Biological Diversity
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APPLICATION FOR OBSERVER STATUS

A. Information about the organization

1. Name of organization

Center for Biological Diversity

2. Address of headquarters

378 N Main Av., Tucson, Arizona, 85701 United States of America

3. Addresses of all branches and/or regional headquarters

United States of America:

1536 Wynkoop St., Ste. 421, Denver, CO 80202

1212 Broadway, St. #800, Oakland, CA 94612

1411 K St. NW, Suite 1300, Washington, DC 20005

México:

Alvaro Obregon 460, Centro, La Paz, 23000

4. Telephone number

tel: +1 (520) 623.5252

5. Fax number

+1 (520) 623.9797

6. Email address

center@biologicaldiversity.org

7. Name, title and contact details of focal point

a. Primary point of contact:

(Ms) Sarah Uhlemann, Senior Attorney, International Program Director,

suhlemann@biologicaldiversity.org

b. Secondary point of contact:

(Mr.) Alejandro Olivera Bonilla, Senior Scientist and Mexico Representative,

aolivera@biologicaldiversity.org

8. Background information on the organization

The Center for Biological Diversity (the Center) is a nonprofit organization that was established in 1989. It is known for its commitment to protecting endangered species and their habitats through legal action, scientific petitions, creative media, and grassroots activism. The organization operates with the mission of securing a future for all species, great and small, that are on the brink of extinction. It focuses on safeguarding the lands, waters, and climate that are vital for the survival of these species.

The Center has a broad scope of work that includes protecting various species and habitats across the United States and internationally. The Center uses a combination of science, law, and media to achieve their conservation goals. Here are some additional aspects of their work:

The Center is known for its effective legal campaigns to enforce environmental laws and secure protections for endangered species. The Center also conducts scientific research to identify new species and habitats in need of protection and to support their legal and policy advocacy, by

focusing on educating and mobilizing the public to support biodiversity through various campaigns and actions.

The Center advocates for stronger environmental policies at the local, state, and federal levels to address issues like climate change, wildlife trade, and habitat destruction, and values cultural diversity and is committed to fostering an organizational culture that embraces and respects diversity of people, identities, abilities, and cultures. The Center has gained listing protections for more than 350 plants and animals under the Endangered Species Act. We have gained critical habitat for federally protected imperiled plants and animals like the bowhead whale, Florida manatee, Florida panther, Hawaiian monk seal, and the leatherback sea turtle, among others.

The Center operates with the belief that the welfare of human beings is deeply linked to nature, and to ensure that future generations inherit a world where the wild is still alive.

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

No.

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 Center for Biological Diversity has observer status at the Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC), the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD), the World Heritage Convention (WHC), the Specially Protected Areas and Wildlife Protocol (SPAW), the International Whaling Convention, and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The Center is also a member of the International Union for Conservation of Nature (IUCN).

12. List of publications and/or other relevant documentation

- [Paving the Road to Extinction: Congress' Expanded Assault on Endangered Species Through Appropriations Poison-Pill Riders](#). Kurose, S., and Hartl, B., Center for Biological Diversity, January 2024.
- [Fishing Down Nutrients on Coral Reefs](#). Allgeier, J.E., Valdivia, A., Cox, C. & Layman, C.A. *Nature Communications*. August 2016.
- [Poisoned Waters: How Cyanide Fishing and the Aquarium Trade Are Devastating Coral Reefs and Tropical Fish](#). Center for Biological Diversity & For the Fishes. June 2016.
- [Biodiversity on the Brink: The Role of "Assisted Migration" in Managing Endangered Species Threatened With Rising Seas](#). Lopez, J. *Harvard Environmental Law Review* Vol. 39. 2015.
- [Sea-Level Rise and Species Survival along the Florida Coast](#). Lopez, J. 2014.
- [Deadly Waters: How Rising Seas Threaten 233 Endangered Species](#). Center for Biological Diversity. 2013.

- [Biodiversity on the Brink: The Role of "Assisted Migration" in Managing Endangered Species Threatened With Rising Seas](#). Lopez, J. *Harvard Environmental Law Review* Vol. 39. 2015.
- [Nourished by Wildfire: The Ecological Benefits of the Rim Fire and the Threat of Salvage Logging](#). Center for Biological Diversity and John Muir Project, January 2014.
- [Joining the Convention on Biological Diversity: A Legal and Scientific Overview of Why the United States Must Wake Up](#). Snape, B., 2010. *Sustainable Development Law & Policy* 10(3): 6-18.
- [Flight Path: A Trajectory for U.S. Aviation to Meet Global Climate Goals](#). Center for Biological Diversity. October 2020.
- [From Bailout to Righting the Course: The Commonsense Action the United States Must Take to Address the Flood Crisis](#). Lopez, J. 2020.
- [Stealing California's Future: How Monterey County's Dirty Oil Business Worsens the Climate Crisis](#). Center for Biological Diversity. September 2016.
- [Biodiversity on the Brink: The Role of "Assisted Migration" in Managing Endangered Species Threatened With Rising Seas](#). Lopez, J. *Harvard Environmental Law Review* Vol. 39. 2015.
- [The Potential Greenhouse Gas Emissions From U.S. Federal Fossil Fuels](#). Ecoshift Consulting, Center for Biological Diversity, Friends of the Earth. August 2015.
- [Troubled Waters: Offshore Fracking's Threat to California's Ocean, Air and Seismic Stability](#). Center for Biological Diversity, 2014.
- [On Shaky Ground: Fracking, Acidizing, and Increased Earthquake Risk in California](#). Earthworks, Center for Biological Diversity, Clean Water Action, 2014.
- [Deadly Waters: How Rising Seas Threaten 233 Endangered Species](#). Center for Biological Diversity, 2013.
- [The New Normal: Climate Change Victims in Post-Kiobel United States Federal Courts](#). Lopez, J., 2013. *Charleston Law Review* 8(1).
- [Not Just a Number: Achieving a CO2 Concentration of 350 ppm or Less to Avoid Catastrophic Climate Impacts](#). Center for Biological Diversity and 350.org, 2010.
- [A Deadly Toll: The Gulf Oil Spill and the Unfolding Wildlife Disaster](#). 2011. Center for Biological Diversity.
- [What We Should Learn From the BP Spill](#). Lopez, J., 2011. *Environmental Law News* 20 (1): 35.

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.

Since 2020, our organization has been an integral part of the Latin American Working Group on Deep Sea Mining, which includes expert organizations dedicated to marine conservation. Each member has voiced concern over the heightened risks that the Clarion-Clipperton Zone poses to the region.

In addition, we are closely monitoring the primary concerns highlighted by the ISA's Council, examining them from both scientific and legal perspectives. We've recognized that Deep Sea Mining (DSM) remains largely unregulated, despite its significant impact on humanity's shared natural resources. To address this, we plan to increase DSM awareness among the public and influential policymakers in Latin America, as well as the United States. Our engagement in these activities underscores our commitment and readiness to contribute actively to the ISA meetings.

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

The Center for Biological Diversity is committed to the protection and effective management of marine ecosystems and species. Our organization has a long history of advocating for improved national and international policies that allow other states to end indiscriminate fishing practices, adopt precautionary fishing policies, reduce marine mammal bycatch and protect coastal habitats.

We defend marine species and habitat from overfishing, offshore oil drilling, the impacts of climate change and ocean acidification, plastic pollution and a host of other threats. The impacts of our work stretch from the Gulf of California to the Gulf of Mexico and the Atlantic, the Hawaiian archipelago to Japan, and Antarctica north to the Arctic Circle.

We have organized national coalitions of hundreds of community and conservation groups to petition the U.S. federal government for new water and air pollution regulations for plastic plants and created and promoted the Presidential Plastics Action Plan asking President Biden to rein in plastic production and pollution.

We also have a long history of working to increase regulation of terrestrial-based mining and opposing projects in sensitive wildlife habitats.

We believe this work relates to the Authority, as it seeks to find a sustainable and equitable pathway to regulating deep sea mining.

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.

The Center for Biological Diversity is committed to fostering the creation of regulations that integrate the precautionary principle into the ISA's decision-making processes. This approach is crucial for reducing the potential adverse effects of mining activities on marine ecosystems and the coastal communities in Latin America that could suffer from insufficient environmental risk assessments. We aim to enrich the regulatory approval discussions with insights from key scientific figures in the region, as well as perspectives from our legal specialists who are actively developing critiques and innovative suggestions for the Mining Code. Our goal is to harmonize regulatory frameworks with the latest scientific knowledge and the finest institutional practices at hand.

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 35 years of science-based environmental advocacy, the Center has proven its expertise in marine environmental protection both at a U.S. and Mexican domestic level as well as an international level. The Center's programs are devoted to saving life on Earth: protecting biodiversity in different arenas through science, legal action, policy advocacy, negotiation with government and industry — and creative, strategic media and outreach.

Our programs include the “Climate Law Institute” to safeguard species and habitats from climate change by reducing greenhouse gas emissions and air pollution; the “Endangered Species Program” to protect and recover all endangered species and the wild places they need to survive, the “International Program” to protect global biodiversity where current U.S. law has the power to do so and watchdog U.S. actions affecting endangered species in other parts of the world; and the “Oceans Program” to conserve and recover marine species and ocean habitats.

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 Center for Biological Diversity intends to contribute in any way the ISA deems necessary.