

Decision of the Assembly of the International Seabed Authority on the establishment of a general policy of the Authority for the protection and preservation of the marine environment

The Assembly of the International Seabed Authority,

Recalling that pursuant to Article 192 of the United Nations Convention on the Law of the Sea of 10 December 1982 (Convention) States have the obligation to protect and preserve the marine environment, including from any form of degradation of the marine environment and under stringent due diligence standard,¹

Recalling that Article 145 of Convention set the obligation to take necessary measures to ensure effective protection for the marine environment from harmful effects that may arise from activities in the Area,

Recalling further that pursuant to Article 160 of the Convention, the Assembly shall have the power to establish general policies in conformity with the relevant provisions of the Convention on any question or matter within the competence of the Authority.

Mindful that under paragraph 1 of Section 3 of the Annex to the 1994 Agreement of Part XI the general policies of the Authority shall be established by the Assembly in collaboration with the Council,

Recalling decisions of the Council of the Authority ISBA/28/C/24 and ISBA/28/C/25 which expressed that the commercial exploitation of mineral resources in the Area should not be carried out in the absence of rules, regulations and procedures relating to exploitation

Bearing in mind the constructive discussions of the international workshop co-hosted by the Secretariat of the Authority in 2017 in Berlin on the development of a long-term Environmental Management Strategy for the Area, as captured in ISA Technical Study No. 17,

Recognizing the need for a general policy for the protection and preservation of the marine environment to be developed, agreed and adopted before any plan of work for exploitation is approved.

1. *Decides* that the Assembly, in collaboration with the Council, shall advance the elaboration of a General Policy of the Authority related to the protection and preservation of the marine environment from harmful effects of activities in the Area;

2. *Also decides* to establish an informal intersessional dialogue to facilitate further discussion on the elements that need to be included in a general policy of the Authority for

¹ *Request for an Advisory Opinion submitted by the Commission of Small Island States on climate change and international law*, Advisory Opinion, 21 May 2024, at pp.128-129, para. 385.

the protection and preservation of the marine environment from the harmful effects of activities in the Area;

3. *Additionally, decides* on the following modalities of the intersessional dialogue:

- a) The informal intersessional dialogue shall be open to all members of the Authority, including members of the Council, as well as members of the LTC and observers;
- b) The informal intersessional dialogue shall be co-facilitated by [_____] from [_____] and [_____] from [____]; and
- c) The informal intersessional dialogue shall be convened regularly between the date of adoption of the present decision and the next meeting of the Assembly, in July 2025, using virtual means, starting in [•];

4. *Further decides* that the Co-Facilitators of the above-mentioned dialogue shall:

- a) Prepare and present a briefing note to the Council at the first part of its 30th Session; and
- b) Prepare and present a report of the discussions to the Assembly, including a draft proposal of a possible General Policy to the Assembly, if any, for its consideration at its next meeting, in July 2025 with a view for adoption.

5. *Requests* the Secretariat to provide all necessary administrative and technical support as may be required by the Co-Facilitators.