

Argentina – Remarks – Panel 1

Workshop on “Interactions between the International Seabed Authority and BBNJ Agreement Bodies and Processes,”

5 November 2025 - New York

After nearly two decades of intense and constructive negotiations, the adoption of the BBNJ Agreement in 2023 marked a defining moment in the evolution of the international law of the sea. Having now reached the threshold of 60 ratifications, the Agreement will enter into force in January 2026, inaugurating a new chapter in global ocean governance. From the outset, it is clear that its effective implementation will depend heavily on coherence and complementarity with existing frameworks, most notably the International Seabed Authority (ISA), whose unique mandate and technical expertise make it a key partner in this new multilateral effort.

In this presentation, we would like to share some insights concerning the 3 guiding questions for the topic of this Panel, as included in the Concept Note.

1. How should ISA organs guide and shape ISA’s engagement with the BBNJ Agreement and its processes?

From a legal and policy standpoint, the organs of the International Seabed Authority have a critical role to play in guiding the Authority’s engagement with the BBNJ Agreement. The ISA’s decision-making and advisory bodies — particularly the Council, the Legal and Technical Commission, and the Secretariat — should frame such engagement around three key objectives: ensuring consistency with the United Nations Convention on the Law of the Sea (UNCLOS) and Part XI in particular; safeguarding the Authority’s mandate over the Area; and promoting mutually reinforcing cooperation with the BBNJ framework.

Article 2 of the BBNJ Agreement explicitly emphasizes enhanced international cooperation and coordination as a means to achieve the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction. For the ISA, this implies a proactive, structured participation — for instance, through formal cooperation mechanisms, information exchange, and regular dialogue with the organs established under the BBNJ Agreement. The Conference of the Parties (COP), the Scientific and Technical Body, and the Clearing-House Mechanism could all serve as relevant platforms for the Authority’s contribution, guided by clear mandates from the ISA Council. In this way, the Authority can help shape coherent policies and technical standards that align with its regulatory framework while advancing shared objectives for the protection of the marine environment.

2. To what extent could the ISA's mandate shape the functioning of BBNJ processes, and to what extent should BBNJ build upon ISA's existing practices?

The ISA's mandate can significantly influence the functioning of the BBNJ processes, particularly in areas of environmental protection, environmental impact assessment (EIA), capacity-building, and data management. With over three decades of accumulated expertise in regulating activities in the Area, developing environmental management plans, and maintaining extensive databases, the Authority offers a wealth of knowledge that can guide BBNJ implementation. Its established methodologies for assessing environmental impacts, conducting baseline studies, and setting thresholds for marine protection can inform the operationalization of similar mechanisms under the BBNJ framework.

At the same time, the BBNJ processes should build upon — and not duplicate — the Authority's existing practices. The BBNJ Agreement's "not undermining" principle, enshrined in Article 5, provides a clear legal basis for ensuring that cooperation enhances, rather than conflicts with, the mandates of existing bodies. By grounding its environmental and scientific work in ISA's proven approaches, the BBNJ framework can promote the principle of complementarity, ensuring a coherent and integrated global regime for ocean conservation. Furthermore, the BBNJ's emphasis on equitable access to data, capacity-building, and technology transfer complements the ISA's ongoing efforts to reduce disparities among States in their ability to conduct marine scientific research and benefit from ocean science.

3. What rules, opportunities, constraints, and policies should guide cooperation and prevent conflicts between ISA and BBNJ?

Given the interconnection between the operations of the ISA and the forthcoming BBNJ mechanisms, structural cooperation will be essential to avoid jurisdictional overlaps and ensure legal coherence. Several practical and legal tools are available to achieve this. Memoranda of Understanding or cooperation agreements could formalize channels for coordination, facilitate the exchange of information, and define procedures for consultation in cases such as the designation of area-based management tools or the adoption of emergency measures under Article 24(2) of the BBNJ Agreement.

The applicable legal framework must be rooted in the Convention and guided by the principles of good faith, cooperation, and mutual respect of competences. While the "not undermining" clause provides a safeguard, proactive engagement is needed to translate that principle into practice. The Preparatory Commission of the BBNJ Agreement will play a central role in shaping this relationship, and the ISA should engage closely with it to ensure that the emerging institutional architecture respects the Authority's rights and responsibilities under UNCLOS.

From a policy perspective, fostering complementarity requires that both frameworks prioritize transparency, science-based decision-making, and inclusivity. Regular consultations between the ISA's Legal and Technical Commission and the BBNJ Scientific and Technical Body could promote coherence in environmental assessments, data sharing, and monitoring standards. Capacity-building initiatives and technology transfer mechanisms should be jointly developed to strengthen developing States' participation in marine research and management. Through these measures, the two regimes can operate not as parallel systems, but as mutually reinforcing pillars of a single, coherent vision for the protection of the global ocean.

In conclusion, the entry into force of the BBNJ Agreement opens a new horizon for ocean governance. Its success will depend on our collective ability to ensure complementarity with existing institutions, especially the International Seabed Authority. By working together — guided by the rule of law, scientific integrity, and shared responsibility — the ISA and the BBNJ framework can build a truly cooperative architecture for the conservation and sustainable use of marine biodiversity for present and future generations.