

Norwegian key note to workshop on interactions between the International Seabed Authority and BBNJ Agreement bodies and processes

Panel 1 on the overall relations and general policy with a focus on the impact of the mandate and work of the ISA on BBNJ Agreement bodies and processes and vice versa

- First of all, I would like to extend our gratitude to the Secretariat of the International Seabed Authority, together with the Permanent Missions of Fiji, Jamaica, Malta and Singapore for organizing this workshop on the “Interactions between the International Seabed Authority and the BBNJ”.
- Then, let me also voice Norway’s solidarity with the Government and people of Jamaica as they grapple with the devastating consequences of hurricane Melissa.
- The topic of today’s discussion is an important and timely one; how are the ISA and the BBNJ going to interact and cooperate in the best possible manner to ensure the fulfillment of their respective mandates? As we know, these include ensuring the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction, as well as administering the resources of the Area. This will be no easy feat.
- The topic is particularly timely because of 1) the entry into force of the BBNJ Agreement in January 2026 as well as, 2) hopefully soon, the finalization of ISA regulations for the exploitation of mineral resources in the Area. This coincides with the 30th anniversary of the ISA.
- I have three main points today. First, I will speak more generally about the Convention and the respective mandates and Norway’s positions. Second, I will outline some starting points for how we should face the interactions between the BBNJ and ISA. Third and finally, I will try and be more specific as to how this can be done, adding the caveat that these are to a certain extent preliminary thoughts and views, that we look forward to discussing in more detail both today, in the BBNJ Prep Com, and in the ISA, as appropriate going forward.
- One, as consistently affirmed in GA-resolutions, UNCLOS is of a universal and unified character, and sets out the legal framework within which all activities in the oceans and seas must be carried out, including the

conservation and sustainable use of the oceans and their resources.

UNCLOS is, of course, the «mothership” of both ISA and BBNJ.

- Norway ratified the BBNJ Agreement in June this year and we put great emphasis on its early entry into force. Now, the race to 60 is finished and the date for entry into force is approaching. It is more important than ever to advance our work in the Prep.Com to ensure that the first Conference of the Parties of the BBNJ Agreement will be successful.
- With regards to ISA, Norway is committed to setting up a strong multilateral legal framework for activities in the Area, with robust environmental standards, and an effective mechanism for equitable benefit sharing, through the ISA - as the law of the sea requires.
- In our view, finalizing the ISA regulations is also the best way to safeguard the environment and to ensure that activities in the Area are to the benefit of all humankind, taking into particular consideration the interests and needs of developing States.
- UNCLOS gives the ISA an exclusive mandate to organize and control mineral resource-related activities on the international seabed. The overarching considerations in Articles 5(1) and 5(2) of the BBNJ Agreement are therefore crucial when developing the interaction between the ISA and the BBNJ, namely that the Agreement shall be interpreted and applied in the context of and in a manner consistent with UNCLOS and not undermine relevant legal instruments and frameworks. The ISA is an example of a legal body which shall not be undermined by the implementation of the BBNJ Agreement. UNCLOS gives the ISA its exclusive mandate, and the BBNJ Agreement presupposes a vital role for BBNJ in ensuring a holistic approach to ocean governance.
- A cornerstone of the BBNJ Agreement is that it provides for increased cooperation for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, through strengthening and enhancing cooperation with and promoting cooperation among relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies. At the last Prep Com, we discussed the relationship with other instruments, frameworks and bodies. In this context, we find this workshop particularly useful in order to get a bit more specific on our respective thinking as regards the relations between ISA and BBNJ.

- Turning to my second over-arching point, the mandates of both ISA and BBNJ are distinct and specific. At the same time, the ISA and BBNJ could also be seen as having certain overlaps and interface that require cooperation and coordination.
- For example, According to the BBNJ Agreement the parties are to work to promote the objectives of the BBNJ Agreement in other instruments, frameworks and bodies.
- The key issue is how this can be implemented in practice? How can we ensure constructive cooperation between the ISA and BBNJ? Well, one element is that Our approach must ensure complementarity; that we take an integrated and holistic approach, in line with each of their mandates.
- As a second consideration, We as Member States have a responsibility to be consistent across the board, consistent in our implementation of the relevant mandates, and in the message of cooperation to ensure the best ocean governance – after all, it is us that sit behind our respective flags and represent our State in both the BBNJ and the ISA.
- So, How do we work to best ensure synergies, building on the respective mandates, adding value to the work in the respective body. And Working together to ensure healthy ocean management.
- At the last BBNJ Prep.Com we heard numerous references to the states' roles as a bridge to operationalize effective cooperation and coordination between the BBNJ agreement and other instruments, frameworks and bodies. We as member states need to work within BBNJ as well as ISA to ensure cooperation and coordination. This implies internal coordination within the respective states, working to ensure cooperation and information-exchange between ISA-teams and BBNJ-teams.
- Turning now to my third point and the attempt to be more specific: For the organs of the ISA and BBNJ, transparency and information exchange are really key factors to;
 - Enable the Secretariats, within their mandates, in providing for **information-exchange** between ISA and BBNJ. This will ensure that both bodies are kept informed about important developments within each organ. It is then crucial that the information is fed to the member states and subsidiary bodies to enable appropriate responses from the body based on its internal structure.

- Enable **participation in meetings of the respective bodies**, as appropriate. Observer participation is being discussed at the BBNJ Prep.Com and Norway believes it is key that all instruments, frameworks and bodies, including ISA can participate as an observer at the future BBNJ COP and relevant subsidiary bodies. We also foresee that it might be relevant for the future BBNJ Secretariat to participate at ISA meetings, on the applicable terms at the ISA.
- Specifically in the BBNJ context, The BBNJ agreement has specific provisions that relate to consultation with other instruments, frameworks and bodies, for example the consultation provisions regarding area-based management tools, including marine protected areas. These are important both to ensure that relevant scientific information is provided regarding a proposal, but also to ensure that information on competence is brought forward.
- For example, in order to ensure that ISA's mandate is respected in relation to a proposal for an area-based management tool in BBNJ, it is important that the BBNJ obtains the required expertise on ISA's mandate, and, further, that the ISA is able to provide timely and relevant input into the BBNJ consultation process.
- The BBNJ Agreement also provides for the Scientific and Technical Body of the BBNJ to collaborate with relevant instruments, frameworks and bodies when developing and updating standards or guidelines for the conduct of environmental impact assessments of activities in areas beyond national jurisdiction. This may be a good opportunity also for the ISA to provide input.
- Looking at the ISA, The ISA holds volumes of data on marine scientific research and possesses key expertise of relevance to BBNJ. From the practice of ISA so far, and from the ongoing work on finalizing the exploitation regulations, we foresee several avenues for co-operation and input to ISA processes.
- For example, there will be stakeholder consultations with regard to the development of the regulations, standards, and guidelines, as well as in the development of regional environmental management plans (so-called REMPs), and indeed as part of any future assessment of applications for exploitation of mineral resources, to name but a few.

- Further, ISA also already has agreements or MOUs with institutions with which it co-operates, and possibly should that be considered also in our case.
- As an active member State of the ISA, Norway will encourage the various organs of the institution to find suitable ways of cooperating with BBNJ.
- In closing, We trust that we can work together to find a good way forward, both for BBNJ, for ISA and for their crucial co-operation.