

Remarks delivered by Ms. Angelique Pouponneau, Ocean Advisor on behalf of the Permanent Mission of Palau to the United Nations

BBNJ-ISA Coordination

Excellencies, SG, colleagues

Thank you to Singapore, Fiji, Jamaica, Malta and ISA

I'll try not to repeat the very important contributions that have already been made and focus on some operational elements of collaborations.

What does collaborations look like: State driven as State Parties to the two regimes, Secretariat to Secretariat, COP to Assembly, BBNJ SBs to ISA organs and bodies?

Agenda items, joint working groups, joint work plans, information exchange and sharing.

Collaborations: subsidiary bodies/organs talking to each other.

1. Environmental Impact Assessment: Connecting Scientific Expertise

"Under UNCLOS Article 145, ISA is responsible for ensuring effective protection of the marine environment from harmful effects of activities in the Area. ISA has developed detailed environmental impact assessment provisions, regulations, and guidance - including [ISBA/25/LTC/6](#), which addresses impacts on marine biodiversity both on the seabed and in the water column above it.

The Legal and Technical Commission has been providing expert scientific advice on environmental implications and marine environment protection for years. BBNJ will establish a Scientific and Technical Body with similar advisory functions for marine biodiversity across ABNJ.

The opportunity for exchange:

Both bodies will house EIA expertise - **the LTC has operational experience with ABNJ environmental assessments; the Scientific and Technical Body** will develop this expertise for biodiversity conservation. **There is tremendous potential for knowledge exchange and perhaps, as we have seen influence of one regime to another:**

- Methodologies for baseline studies in data-poor ABNJ environments
- Approaches to assessing cumulative impacts across jurisdictions

- Frameworks for monitoring and compliance where enforcement is challenging
- Understanding ecosystem connectivity between seabed and water column

Already heard from Ambassador of Mauritius – the potential for conflict

But a key difference to acknowledge: Noting that the EIA under the BBNJ Agreement is agnostic to the activity, here we have EIA guidelines for deep seabed mining, will the EIA standards meet the expected guidelines and standards for an EIA in BBNJ as anticipated under Article 38? Who will decide this – will the composition of the bodies determine this? Will we see a move to harmonization?

I think an area that's worth thinking through is how the STB and the LTC that may end up with quite different modalities (open vs closed sessions) interact bearing in mind the transparency that is required of BBNJ. Are there opportunities for BBNJ experts to meet with LTC members (for SIDS, I know our LTC member also negotiates BBNJ) but may not be as straightforward for others.

2. Capacity Building: Building on Proven Programs - ROAD

"ISA has been successfully running capacity-building programmes for years - and importantly, these programmes have been reviewed for improvement. This means there is both proven experience to build on and active reflection on how to enhance effectiveness.

These programmes provide something particularly valuable: **understanding of the deep sea that many States may not have access to**. The data, the scientific knowledge, the practical experience of working in ABNJ environments - this is specialized capacity that ISA has been building systematically.

The contractors' training programmes cover marine environmental studies, biodiversity assessment, and environmental impact assessment methodologies in deep-sea contexts. Many States need exactly these competencies to engage meaningfully with BBNJ implementation - conducting baseline studies, assessing impacts on biodiversity, implementing area-based management tools.

The coordination opportunity:

Rather than BBNJ developing separate training infrastructure from scratch, there's potential to build on ISA's established **programmes, facilities, and scientific partnerships**. It is an opportunity for both institutions to think creatively about how capacity building for ABNJ governance can be coordinated to serve States that must navigate both the ISA and BBNJ frameworks.

What will the CBTMT Committee under the BBNJ draw from ISA?

ISA gains by broadening its capacity-building mandate beyond just mineral resource management to encompass the wider marine biodiversity context. BBNJ gains by accessing

deep-sea scientific expertise and operational experience that would take years to develop independently.

3. Equitable Benefit-Sharing: Learning from Parallel Efforts

Both the ISA and BBNJ Agreement must operationalize equitable benefit-sharing from resources in areas beyond national jurisdiction designated as common heritage. Essentially, they're doing the same thing - but for different resources.

ISA's benefit-sharing work:

The Finance Committee has been developing benefit-sharing mechanisms since 2018, alongside the mining code. They've created distribution formulae, developed web-based models for visualizing equitable allocation, and explored different approaches. Just last month, the Finance Committee Chair recommended developing a develop the concept of the Common Heritage Fund as a way for distribution of income from activities in the Area to be shared in accordance with articles 140, 148 and 160, paragraph 2 (g), as prescribed in article 173 of the Convention.

The Conference of Parties will decide on modalities for sharing monetary benefits from marine genetic resources and digital sequence information - milestone payments, commercialization revenue, tiered periodic fees - flowing through the special fund under Article 52.

Why coordination matters:

Worth acknowledging that minerals and MRGs and DSI of MGRs are different. **We don't need to start from scratch.** ISA has explored different models, tested formulae, and is actively developing institutional mechanisms. BBNJ can learn from this experience while designing its own benefit-sharing modalities.

The latest decision from the Finance Committee on the Common Heritage Fund gives us a concrete opportunity. As BBNJ's financial mechanism takes shape, we can design coordination from the outset - not merging the funds, as they have different legal bases and resource streams, but ensuring they work complementarily rather than creating parallel bureaucracies.

Here again, we have an opportunity for the Access and Benefit-sharing Committee to speak to the ISA's Finance Committee.

What does that cooperation look like operationally?

Internal structure: Will the Chair of the IFBs be invited to meetings? Will the clearing house provide the platform for information exchange? Will it be State driven in the efforts – will someone from the LTC also be on the STB?

Financial implications or internal structural: Cooperation is not free of charge.

Starting point: observers to the COP meetings; we will see what Parties decide to see if we go beyond observer status to convenings of IFBs at COPs or formal MOUs.

Institution or State driven may influence:

- **Engaging with others** – Does the LTC have that ability, will it require an MOU?
- **Attending meetings of each other**– where will these meetings be held: at COPs, on the sidelines of meetings, at existing UN-Oceans conference.
 - **Already saw an example where the CBD struggled to find resources to pay for a workshop on synergies between EBSAs and BBNJ. Norway had to step in.**
- **Human resources** – do we need specific staff? The type of staff we need is also important – one that embraces cooperation, moves us away from turf defending and understand the concrete interaction between and among regimes..