

Intervention at Panel Discussion on: The Overall Relations and General Policy with a Focus on Effects of the mandate and Work of the ISA on the BBNJ Processes and Vice Versa.

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1. Excellencies, distinguished participants, ladies and gentlemen, let me start by thanking the Secretariat of the International Seabed Authority (ISA) and the Permanent Missions of Fiji, Jamaica, Malta, and Singapore for organizing this workshop and for inviting Sierra Leone, which coordinates both the African Group on ISA, and on BBNJ, at the United Nations.
2. Sierra Leone's leadership on oceans governance stems from the strong commitment of our own Head of State.
3. I also want to thank Excellencies for their opening remarks, and in particular, Madam Letticia Carvalho, Secretary-General of the ISA, for her keynote address.
4. The ISA is an autonomous international organization established by the United Nations Convention on the Law of the Sea (UNCLOS), through which States Parties shall oversee and manage activities in the Area, especially regarding the administration of the Area's mineral resources, in accordance with UNCLOS and the 1994 Part XI Agreement. ISA is

a key contributor to the legal framework of global ocean governance as defined by the UNCLOS.

5. The 2023 Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (the BBNJ Agreement) represents a significant milestone in the global effort to conserve and sustainably and equitably access and utilize marine biodiversity in areas beyond national jurisdiction for the common good of mankind under the common heritage principle.
6. As a new member of the UNCLOS family, the BBNJ Agreement is an implementing agreement of UNCLOS, but it is a separate legal instrument, distinct from the Convention and the 1994 Part XI Agreement. The ISA and the BBNJ Agreement operate independently, each with its own objectives, mandates, competences, and institutional frameworks.
7. However, the pillars of the BBNJ Agreement, particularly those related to marine genetic resources, encompass measures such as area-based management tools, including marine protected areas, environmental impact assessments, as well as capacity building and the transfer of marine technology, all of which have touchpoints with the work of the ISA. On the other hand, the ISA's pioneering work in the area of marine scientific research, as well as on standards and guidelines, provides invaluable building blocks for BBNJ as it comes to fruition.

8. These overlapping areas of operation, including the shared goals of conserving the marine environment beyond national jurisdiction and upholding global ocean governance, make the ISA and the BBNJ Agreement functionally connected in many respects, and one would say, much like conjoined Siamese twins that depend on the same organs for their survival.
9. **First**, they operate in overlapping areas. The BBNJ Agreement applies to the high seas and the Area. ISA is responsible for organizing and regulating activities in the Area with respect to mineral resources, but contractors cannot conduct such activities in the Area without utilizing the high seas. Additionally, environmental issues related to activities within ISA's jurisdiction also involve a relevant part of the high seas.
10. **Second**, they share the common goal of conserving the marine environment in areas beyond national jurisdiction. Besides its mandate to organize and oversee activities on mineral resources in the Area, ISA must take measures regarding activities in the Area to ensure adequate protection of the marine environment that could be impacted, including marine biological diversity. ISA has established ecological thresholds and has conducted Environmental Impact Assessments (EIAs) to serve the same purpose.
11. **Third**, the two entities need cooperation and coordination to fulfill their respective responsibilities.
12. The BBNJ Agreement emphasizes promoting cooperation and coordination with relevant legal instruments and frameworks, as well as with global, regional, subregional, and

sectoral bodies, particularly in areas such as area-based management tools, Environment Impact Assessments, and capacity-building and the transfer of marine technology.

13. Under the BBNJ Agreement, on implementation and compliance, the Implementation and Compliance Committee, in the course of its work, may draw on appropriate information, including from relevant instruments, frameworks and bodies, as may be required.
14. ISA's pioneering work in the area of marine scientific research, and established standards and guidelines, including ISA's Biobank Initiative and the DeepData platform, can serve as useful references in the implementation of the BBNJ Agreement.
15. ISA's work will also inform the work of the BBNJ Clearing House Mechanism and the Scientific and Technical Body, as depositories and information exchange tools.
16. Throughout the Agreement, obligations and guidance are provided to the BBNJ Parties, Conference of Parties, the Secretariat, as well as different subsidiary bodies to engage global, regional, subregional, and sectoral bodies.
17. Compared with the BBNJ Agreement, the Convention and the 1994 Part XI Agreement have fewer requirements for ISA regarding international cooperation and coordination. However, the operation of the BBNJ Agreement could inform ISA's work on marine environmental protection, capacity development, and related areas. The measures, such as area-based management tools, adopted by the BBNJ mechanism may potentially influence ISA's efforts in organizing and regulating activities in the Area and protecting the marine environment. ISA could benefit from collaboration with the BBNJ Agreement and its institutional frameworks.

18. **Fourth**, the ISA and BBNJ capacity development programs can be aligned with the needs identified under the BBNJ Agreement, improving efficiency and preventing duplication. Similarly, the benefit-sharing concept under the BBNJ (for marine genetic resources) can draw lessons from the ISA's work on benefit-sharing for mineral resource activities.
19. Without doubt, the BBNJ Agreement represents a significant achievement by the global community in upholding the legal order for the oceans. As the Agreement takes effect, an essential guiding principle should be to ensure complementarity, building on existing architectures and avoiding duplication and the overstepping of boundaries that could potentially undermine the Convention. The way the ISA manages and regulates the Area will evolve, including increased support, cooperation, and knowledge sharing with BBNJ.
20. In conclusion, while all decisions on the nature, periodicity and other matters pertaining to cooperation and engagement with global, regional, subregional, and sectoral bodies will ultimately have to be determined by the BBNJ Conference of Parties, cooperation and coordination, as has been noted, are essential pillars of the BBNJ Agreement.
21. A suitable framework is needed to define the methods and scope of cooperation and coordination based on their respective mandates, competencies, and institutional structures and as delegations have noted, at the most recent BBNJ Prepcom in August this year, the key elements for consideration in determining such cooperation would have to include adaptability, practicality, flexibility, efficiency and effectiveness, strategies to manage overlapping mandates and avoid duplication, reciprocity, and cost effectiveness.

22. Any collaboration would need to be mutually agreed upon.

I thank you.