

Intervention Agenda Item 6 Observer Guidelines

22 July 2019

Thank you Madame President

Firstly we want to congratulate you in your position, and, with DOSI, congratulate your election and the ISA in having had a Madame President both of the Council and the Assembly in this session and of course the LTC Chair. This is an important step in gender equity.

We thank you for the opportunity to make some observations which we hope will inform the informal consultations. As many delegates have noted, guidelines are much needed, but the proposed guidelines are overly restrictive and have many problems.

We thank the many states that have spoken before in favour of transparency, including Italy, Tonga, Brazil, Costa Rica, Germany, Netherlands, China, Chile, UK, Ecuador, Australia, New Zealand, Canada, Norway and Spain. It is heartwarming to know that we are amongst friends.

Madam President, we are aware of widespread support for transparency by the Assembly as well as Council, and we noted numerous statements to that effect in Council last week.

That is why we have concerns with the Draft Guidelines. Most strikingly, no account has been taken of the common heritage of mankind, which sets the Authority apart from the IMO. The IMO rules have been strongly criticised by Transparency International, which found that their impact was that NGOs are not free to criticise the IMO and consequently, they can face expulsion. These points would apply equally to the ISA, if the ISA adopts the proposed draft Guidelines modelled on the IMO precedent.

The proposed Guidelines lay down restrictive guidelines which have been well described specific issues. We would only add an aspect of paragraph 13 which talks about conflict of interest, and even conflict likely to arise this would prevent open debate and cooperation.

Madam President, we are concerned that these restrictive provisions would discourage open debate and participation. We believe that these proposals run counter to the common heritage of humankind. Nor is there any suggestion in Article 169 of the Convention, which addresses consultation and co-operation with NGOs, that observer status must or should be predicated on support for future ISA activities.[2] They are also inconsistent with the [Strategic Plan](#), which strongly supports transparency in paragraph 25 which Germany has already cited, as well as Strategic Direction 8.2 which calls for *“enhanced conditions of transparency and accountability, leading to a more inclusive approach to decision-making.”*

Madam President, Members of the Assembly: we believe that these are fundamentally misconceived being based on the 1960s IMO rules which date back to the 1960s and which has an entirely different focus. It is important to get the guidelines right. We suggest that the proposed Guidelines be withdrawn and that the Secretariat be asked to conduct a comparison of up-to-date observer rules and guidelines and practices, including the ECOSOC rules and practices that govern observer status in the United Nations, and draft guidelines consistent with the Strategic Plan and current international practice.

Thank you Madam President