

Deep Sea Conservation Coalition

DSCC Intervention Agenda Item 16 Observer Guidelines

We sincerely thank Norway for facilitating the informal consultations and likewise thank the state delegates who worked long and late hours to produce this draft. We are relieved to see the member states to live up to the spirit of transparency.

The draft which we have been given this morning is much improved, and itself lives up to the spirit of transparency, and we do have three specific suggestions in this respect.

Firstly, paragraph 3 seems to suggest that observers may only apply if invited by the Assembly. We are not sure that this is intended. We appreciate that it was intended to reflect Rule 82 (1)(e) which reads “other non-governmental organizations invited by the Assembly which have demonstrated their interest in matters under the consideration by the Assembly.” So this is simply a wording issue. That would be a very restrictive change if would-be observers cannot apply without a prior invitation.

We suggest paragraph 3 could read as follows: “ The Assembly may extend invitations to participate as observers to NGOs that have applied according to these guidelines which have demonstrated their interest” then continue as it is written.

Secondly, we suggest a new paragraph after paragraph 16 in the interests of natural justice. We suggest a paragraph saying that, and I quote, “The Assembly may ask the Secretariat to notify the Observer concerned of matters raised under Paragraph 16, and invite the Observer to address the matters before the next session of the Assembly.”

The Assembly would then only take up the matter at its following session, after allowing the Observer an opportunity to respond, thereby also enabling the Observer to take action to buck up or address any specific shortcoming.

Thirdly, looking forward, we suggest that the question of whether Rule 82 sufficiently covers and reflects the reality of all categories of actors should be studied at some point in the near future.

Thank you