



Assembly

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26 April-7 May 2010

Request for observer status in accordance with rule 82, paragraph 1 (d) of the rules of procedure of the Assembly on behalf of the OSPAR Commission

Note by the Secretariat

1. The OSPAR Commission has been established by the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention), signed in Paris on 22 September 1992. The mandate of the OSPAR Commission is to supervise the implementation of its constituent instrument. The Contracting Parties to the OSPAR Convention are Belgium, Denmark, the European Union, Finland, France, Germany, Iceland, Ireland, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. All 16 Contracting Parties to the OSPAR Convention are also members of the Authority.

2. The Assembly will recall that in 2008 the secretariat of the OSPAR Commission contacted the secretariat of the Authority with respect to a proposal submitted to the Commission for the establishment of a marine protected area at the Charlie Gibbs Fracture Zone on the Mid-Atlantic Ridge. At their meeting held on 11 to 12 November 2008, the OSPAR heads of delegation acknowledged the mandate of the Authority as the competent organization to regulate deep seabed mining and supported the idea of developing a memorandum of understanding between the OSPAR Commission and the Authority in order to ensure appropriate coordination of measures between the two organizations. During the debate on the annual report of the Secretary-General of the Authority at the fifteenth session, the Assembly welcomed the initiative to enhance the relationship between the OSPAR Commission and the Authority as a valuable step forward for the Authority and its members. The Assembly also requested the Secretary-General to pursue the dialogue with the Executive Secretary of the OSPAR Commission in order to develop the terms of a memorandum of understanding between the OSPAR Commission and the Authority.

3. Since the fifteenth session, the secretariat has held discussions with the secretariat of the OSPAR Commission on the terms of a memorandum of



understanding. A draft prepared by the Authority was circulated to OSPAR Contracting Parties in accordance with the procedures of the organization and was further considered at the meeting of the OSPAR Commission heads of delegation on 17 February 2010. Subject to editorial changes, the heads of delegation agreed that the proposed memorandum of understanding should be submitted to the Authority for approval at the sixteenth session. Following its approval by the Assembly, the memorandum of understanding will be submitted to the OSPAR Commission heads of delegation for approval at the annual meeting of the OSPAR Commission in September 2010.

4. The Assembly is invited to:

(a) Take note of and approve the memorandum of understanding between the Authority and the OSPAR Commission as contained in the annex to the present document;

(b) Invite the OSPAR Commission to participate in the Assembly in the capacity of observer, pursuant to rule 82, paragraph 1 (d) of the rules of procedure of the Assembly.

Annex

Memorandum of understanding between the OSPAR Commission and the International Seabed Authority

The purpose of this memorandum of understanding is to specify the scope of cooperation between the Commission established by the Convention for the Protection of the Marine Environment of the North-East Atlantic (“OSPAR Convention”), signed in Paris on 22 September 1992 (hereinafter referred to as “the OSPAR Commission”) and the International Seabed Authority (hereinafter referred to as “the Authority”) established by the United Nations Convention on the Law of the Sea (“the Convention”) signed in Montego Bay on 10 December 1982.

WHEREAS

The OSPAR Commission has been taking initiatives to establish a network of marine protected areas in order to protect biodiversity in areas beyond national jurisdiction, as part of its obligations under the OSPAR Convention and its annex V;

The OSPAR Commission in fulfilling its obligations seeks, where appropriate, to cooperate with competent regional organizations and other competent international organizations and competent bodies;

The OSPAR Commission issued a Code of Conduct for Responsible Marine Research in the Deep Seas and High Seas of the OSPAR Maritime Area;

The Authority is the competent organization through which States Parties to the Convention shall, in accordance with Part XI of the Convention and the 1994 Agreement relating to the Implementation of Part XI of the Convention adopted on 28 July 1994 by the United Nations General Assembly, resolution 48/263 (“the 1994 Agreement”), organize and control activities in the Area, particularly with a view to administering the mineral resources of the Area, as defined in article 1, paragraph 1 (1) of the Convention;

The Authority promotes and encourages the conduct of marine scientific research with respect to activities in the Area and the collection and dissemination of the results of such research and analysis, when available, with particular emphasis on research related to the environmental impact of activities in the Area in accordance with article 143 of the Convention and section 1, paragraph 5 (h) of the 1994 Agreement;

The Authority is competent to take necessary measures in order to ensure effective protection of the marine environment from harmful effects which may arise from activities in the Area as set out in article 145 of the Convention and section 1, paragraph 5 (g) of the 1994 Agreement;

The Authority seeks consultation and cooperation with, inter alia, international organizations on matters within the competence of the Authority;

All parties to the OSPAR Convention are members of the Authority;

In areas where the “maritime area” defined in article 1 (a) of the OSPAR Convention and the “Area” defined in article 1, paragraph 1 (1) of the Convention overlap, both the OSPAR Commission and the Authority have complementary

competence; this competence to be exercised in accordance with the principles governing the Area as stipulated in section 2 of Part XI of the Convention;

The OSPAR Commission and the Authority both have a strong interest in the protection of the marine environment, including of vulnerable deep sea ecosystems in the Area that are associated with some mineral resources, and have taken initiatives at a regional scale in that respect, respectively in the Charlie Gibbs Fracture Zone on the Mid-Atlantic Ridge and in the Clarion-Clipperton Fracture Zone in the Pacific Ocean;

Increased cooperation between the OSPAR Commission and the Authority will help ensure appropriate coordination of measures in order to conciliate the development of mineral resources with comprehensive protection of the marine environment;

Consultation will help guarantee that marine protected areas are established with due regard to the rights and duties of States and the Authority as set out in the Convention and the 1994 Agreement;

THE OSPAR COMMISSION AND THE AUTHORITY HAVE DECIDED:

1. To consult, where appropriate and practical, on matters of mutual interest with a view to promoting or enhancing a better understanding and coordination of their respective activities in respect of such matters;
2. To encourage the conduct of marine scientific research in the sea areas of the North-East Atlantic that are located beyond national jurisdiction, in order to contribute towards ongoing assessments, on the basis of the best available scientific information and in accordance with the precautionary and ecosystem approaches, of:
 - i. The distribution, abundance and condition of vulnerable deep water habitats;
 - ii. The status of populations of marine species;
 - iii. The effectiveness of measures aimed at the conservation of marine biological diversity in areas beyond national jurisdiction in the North-East Atlantic;
3. To cooperate, where appropriate and practical, in the collection of environmental data and information and, where possible, to exchange standardized data and information, including reports of meetings of relevance to each other;
4. To invite each other's representatives to attend and participate in the meetings of their respective governing bodies as observers in accordance with the rules of procedure of such bodies, as appropriate;
5. To conduct, where appropriate, cooperative studies and seminars;
6. That this memorandum of understanding is without prejudice to agreements concluded by either signatory with other organizations and programmes;
7. That the cooperation between them is subject to the requirement of confidentiality of data and information imposed upon the Authority by the Convention in respect of data and information submitted to it by applicants and contractors for exploration of resources of the Area;

8. That this memorandum of understanding will come into effect upon its signature by the Chairman of the OSPAR Commission and the Secretary-General of the Authority. It may be terminated by either Signatory by giving six months' written notice to the other signatory, prior to the proposed date of termination;

IN WITNESS WHEREOF the undersigned have signed the present memorandum of understanding in duplicate.

The Chairman of the OSPAR Commission

The Secretary-General of the
International Seabed Authority

Date: ____ 2010

Date: ____ 2010
