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*Transforming the ocean law by requirement of the marine environment conservation*

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**THE ADOPTION OF RULES, REGULATIONS AND PROCEDURES TO ENSURE  
EFFECTIVE PROTECTION FOR THE MARINE ENVIRONMENT BY THE  
INTERNATIONAL SEABED AUTHORITY: LIMITATIONS AND STRATEGIES**

**Final Abstract:**

Conserve and sustainably use the oceans, seas and marine resources is one of the Sustainable Development Goals set in 2015 as part of the new 2030 Agenda for Sustainable Development<sup>1</sup>. As there is an increasing interest in deep-seabed mining, whose potential environmental impacts are, at best, uncertain, to achieve this objective, a special attention must be paid to the International Seabed Area (the Area) and its resources.

Assuming the conception of the Area as a space of international interest, the United Nations Convention on the Law of the Sea of 1982 (UNCLOS) designated the Area and its resources as the Common heritage of mankind<sup>2</sup>. Its legal regime, as it was included in Part XI, specially emphasizes on the need to regulate activities and distribute equitably the resources, but also to protect this marine space while keeping future generations in mind. Thus, art.145 UNCLOS establishes the obligation to take all necessary measures to ensure effective protection for the marine environment against the harmful effects resulting from the activities carried out in the Area, an obligation that is not subject to the needs of the market or the commercial viability of deep-seabed mining. For this purpose, the International Seabed Authority (the Authority or the ISA) is required to adopt appropriate rules, regulations and procedures for “(a) the prevention, reduction and control of pollution and other hazards to the marine environment, including the

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<sup>1</sup> About the Sustainable Development Goals, see: <https://www.un.org/sustainabledevelopment/sustainable-development-goals/> (17/9/2018).

<sup>2</sup> United Nations Convention on the Law of the Sea of 10 December 1982, art. 136.

coastline, and of interference with the ecological balance of the marine environment, particular attention being paid to the need for protection from harmful effects of such activities as drilling, dredging, excavation, disposal of waste, construction and operation or maintenance of installations, pipelines and other devices related to such activities; and (b) the protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the marine environment”.

The aim of this communication is to examine to what extent the ISA fulfills or can fulfill this environmental mandate. In that sense, this communication works on the hypothesis that the Authority must face some obstacles that are reducing its potential role in the protection of the marine environment. Some of these difficulties are derived from the complex context in which the ISA operates, a context marked by the lack of delimitation of the Area, the erosion of the ISA’s legislative jurisdiction and the pressure of time. Other limitations have their origin in the structural design of the Authority and its legislative and enforcement powers. Once these limitations are analyzed, this contribution briefly points out some internal and external measures that could be adopted to reinforce the leadership role of the ISA in this field.