

Deep Sea Conservation Coalition intervention

Agenda Item 10. Information relating to compliance by contractors with plans of work for exploration
Report of the Secretary-General (ISBA/24/C/4)

5 March 2018

The issue of transparency and compliance with the regulations is important to civil society organizations. We have spoken on both issues on a number of occasions in past sessions of the Authority.

We appreciate the interventions by Cameroun, Norway and others on transparency and non-compliance. The report of the Secretary General (SG) notes in paragraph 4 that “Under article 162, paragraph 2 (l), of the Convention, the Council shall exercise control over activities in the Area in accordance with article 153, paragraph 4, of the Convention and the rules, regulations and procedures of the Authority.”

In previous sessions of the Council, the report of the Chair of the LTC has often indicated that there are problems of non-compliance. And yet, as the SG report notes in para 19, “To date, no enforcement action has been taken by the Council with respect to any contractor. No written warnings have been issued, and no monetary penalties have been imposed.”

If I recall correctly, the Netherlands, I believe, made an intervention at the 22nd or 23rd session of the Council to the effect that the Council is unable to effectively discharge its duties in regard to oversight and compliance because the Council does not have the information necessary to properly exercise oversight under Article 162 of the Convention.

We concur with the statement in paragraph 27 of the SG’s report that “One of the key principles of good international governance is transparency.” We note that the Assembly, in its decision in 2017 at the conclusion of the Article 154 review (ISBA/23/A/13) “Affirms” in paragraph H.3 “that non-confidential information, such as that relating to the protection and preservation of the marine environment, should be shared widely and be readily accessible.” We would also note that paragraph G.4 of the Assembly decision “Encourages the Legal and Technical Commission to hold more open meetings in order to allow for greater transparency in its work”.

Coming back to the SG’s report and paragraph 28 – the Recommendations of the SG – we would note recommendation f: “(f) Request the Secretary-General to explore with contractors the possibility of making contracts for exploration and associated programmes of activities publicly available, taking into account the confidentiality obligations under such contracts.”

We would urge the Council to consider going further and decide, call on or mandate that the annual reports be made public, taking into account relevant confidentiality, especially in light of the affirmation the Assembly last year.

We would also encourage the Council to take a decision that meetings of the LTC on the issue of compliance be open and the LTC provide more detailed reporting of issues of non-compliance.

Finally, we note the UK intervention that the sponsoring state has a role in regard to compliance. We agree and note that the sponsoring state clearly has a responsibility in this regard as established in the Convention. We would urge sponsoring states to also review and publicize any issues related to non-compliance with respect to the contractors the state has sponsored.

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