

DSCC intervention morning 17 July 2018 Day 2 - Regulations - Overall Structure

Thank you Mr Chair, and good morning delegates

As is clear from the LTC observations in ISBA/24/C/20, there are many outstanding issues, including an overarching Environmental Policy Framework. We agree. We have a briefing which analyses the May version of the draft regulations and have prepared an updated comment which we will make available to delegations.

Firstly, one important matter relevant to structure is that public participation, including comments and having the comments taken into account, needs to be operationalised throughout the process, from the EIA, which currently is undefined, to the EIS, to the EMMP, and including reports, reviews and amendments, dispute resolution processes and issues related to the confidentiality of data.

Secondly, another overall observation on structure relates to the bodies which are involved in the process. The LTC has added some further opportunities for Commission recommendations and Council review, and we believe that the number of reviews and processes underline the necessity for an Environment Committee to assist the LTC and Council in the process. The 1994 Agreement called for an evolutionary approach to bodies and we believe this should be followed, and an Environment Committee introduced as part of the structure of the regulations.

Mr Chair, there are many issues which also apply throughout the draft regulations and they will be discussed later this week. One is that overarching environmental goals and objectives should be developed, incorporated in the Fundamental Principles, as well as in the overall Environmental Policy Framework to be developed, and operationalised throughout the regulations. These should apply across the entire Area, and be put into place only after full consultation with all stakeholders. The development and operationalisation of REMPs for all areas, as a precondition to any application, which are one example of an issue to be further developed.

Another is those Fundamental Principles need to be operationalised throughout the document, and the LTC observes that the new suggested para 8 in DR 2 is circular. For instance, we suggest that the environmental review of proposals currently specified in DR 14 specifically measures proposals against the Fundamental Principles, as do future reviews.

There are also some areas missing or needing further elaboration, including liability and dispute resolution.

Likewise, the principle of the common heritage for the benefit of mankind as a whole needs to be operationalized. In this connection, there is a crucial outstanding question as to whether DSM will benefit humankind as a whole, taking into account all environmental issues. This needs to be resolved before any DSM begins. We associate ourselves with observations of the Holy See in its call for further and prior examination of these issues and of a broader perspective, including socio-economic issues.

Thank you
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