

DSCC intervention on strategic report item 8 25 July 3:30 pm 25 July

Thank you Mr President

Our intervention on the strategic plan has some specific suggestions, mainly to align it more closely with the Convention, and one broad suggestion.

We also want to join the many other delegations in thanking for the Secretary-General and the secretariat for the transparent and inclusive way in which the consultation was undertaken and, for improvements made to the document, including taking into account submissions made by DSCC.

Our observations here address several important outstanding issues.

Overall, we associate ourselves with the specific observations of IUCN, and those of Belgium, and Germany, on both transparency and environmental protection, as well as the many other delegations that commented on these matters.

We also think there is value in Australia's suggestion for the Assembly to adopt the Plan, appropriately modified according to suggestions made following Brazil's suggestion on the process.

Firstly to address the broader matters.

Mr President, in our earlier intervention today, we mentioned the NGO joint submission on the strategic plan, which I can confirm has now been signed by 50 NGOs around the world, calling on the ISA, and I quote, "to establish a process to investigate comprehensively and in a participatory and science-based manner the fundamental questions about the need for deep seabed mining and its long term consequences for the planet and humankind, ensuring that more sustainable alternatives are fully assessed and fed into the debate in an open and transparent manner."

This is an important request from a broad range of stakeholders, and a conversation that needs to be conducted, and could be included, for instance, in a new Strategic Direction to be strategic direction 3.5.

Now to turn to a few specific suggestions:

Firstly, Mr President, with respect to the mission statement:

We align ourselves with New Zealand's suggestion for the small but important change suggested to the mission statement. The current mission statement speaks of taking various steps for the benefit of humankind, and I quote, "including through the effective protection of the marine environment" (end quote) We agree that wording could be improved to better reflect the Convention.

We therefore agree with the New Zealand suggestion to delete the word “through” in the phrase “through the effective protection of the marine environment”, and replace it with “and ensure the effective protection of the marine environment” since ensure is the word in article 145 in the Convention.

Mr President, this is not a semantic difference. The International Tribunal for the Law of the Sea in its Advisory Opinion (para 110) explained that an obligation to ensure is to an “obligation to deploy adequate means, to exercise best possible efforts, to do the utmost, to obtain this result.” The environment requires no less, which is why the word “ensure” is included in article 145.

Secondly, we note that while paragraph 25 on transparency includes transparency in “the internal administration of the Authority, as well as its internal procedures, the procedures of its various organs and subsidiary bodies and its procedures towards States”, this is not implemented in the Strategic Plan. Strategic Direction 3.3 is only to “ensure public access to environmental information.” This does not encompass public participation.

We suggest that SD 3.3 should instead read “Ensure public access to environmental information, participation by stakeholders in decision-making and in review and judicial matters.”

Also in this regard, Strategic Direction 8.2 is to facilitate access to non-confidential information. We associate ourselves with Germany's recommendation to change this to 'ensure'. The same change could be made in Strategic Direction 7.2

Relevant to access to information, we had a discussion in the Assembly last year about the release of existing contracts for exploration, and this may be an appropriate time to pursue that.

Thirdly and finally, we suggest that Strategic Direction 3.4 should be amended to read, taking into account Article 145 of the Convention, “Prevent, reduce and control pollution and other hazards to the marine environment, interference with the ecological balance of the marine environment, and prevent damage to the flora and fauna of the marine environment, including through developing appropriate regulations, procedures, monitoring programmes and methodologies.”

Thank you Mr President