



**International Seabed Authority 25th Session
25 February-1 March 2019**

Tuesday 26 February 2019

Agenda item 11: Draft Regulations for exploitation of mineral resources in the Area

REMPs (Regional Environmental Management Plans)

Thank you Madam President and good afternoon delegates

We have had a rich discussion, and at this point we believe that it may be helpful to take stock of why we need REMPs.

The CCZ REMP has been a good start on the development of an overall approach to establishing REMPs. We agree with the observation reported by the Pew Code Project that Belgium and other delegations underscored that REMPs are a necessary component of the precautionary approach.

As thinking has evolved and more scientific information become available, it has become clearer that the value of a broad examination and evaluation of the environmental characteristics, baseline information and connectivity of the species and ecosystems in a region as a whole is necessary to inform EIAs, the locations and scale of PRZs, IRZs and APEIs, the evaluation of cumulative stressors and impacts on species and ecosystems in the region and ultimately the decision-making on the part of the LTC, Council and Assembly of the ISA. The REMPs, as such, are critical to environmental management and a key mechanism for the establishment of clear and measurable goals, objectives, metrics, thresholds, guidelines, standards, and obligations for the protection of the environment tailored to the specific ecological characteristics of a region. It is important that REMPs are binding and adherence to REMPs be incorporated as a component of the exploitation regulations, as a number of states have advocated both in interventions in the previous session of the ISA and in written submissions as indicated by Chris Brown in his presentation of the document ISBA/25/C/4.

Observation of the specific provisions of REMPs, including protected areas and other conservation measures, and consistency with management objectives established through REMPs should be explicitly regarded as a condition of any exploitation contract and EMMP. For example, no exploitation contracts should be approved in areas

designated as off-limits to mining through an REMP, such as APEIs. This seems obvious, but Draft Regulation 16(2), which sets out categories of areas in which exploitation should not be approved, should prohibit approving exploitation contracts in areas designated as APEIs, as well as in areas where an REMP is not yet in place. We appreciate that many countries, as well as stakeholders, have supported the position that no mining should be permitted prior to the adoption of an REMP and that REMPs, and the provisions thereof, should be binding.

We would also urge the Council to consider whether additional exploration contracts, should be awarded in regions in which REMPs have not yet been adopted as they may risk closing off options for establishing APEIs and/or other conservation measures necessary to ensure the effective protection of the marine environment.

Finally we would note that the CBD COP 14 in November last year adopted the Ministerial Declaration on Investing in Biodiversity for People and Planet which called for mainstreaming biodiversity considerations in the energy and mining sectors. In its Decision 14/10, paragraph 1, it “Urges Parties to increase their efforts with regard to: (b) Addressing the potential impacts of deep-seabed mining on marine biodiversity”.

We urge the ISA to mainstream biodiversity considerations, including specific measures to prevent biodiversity loss, into the exploitation regulations, including through the REMPs. Although there is a reference to the “protection and conservation of the Marine Environment, including biological diversity” in DR 2, para 5, and to the description of the “biological environment” and assessment of impacts and proposed mitigation in the template for environmental impact statements in Annex IV, there need to be specific obligations to deal with, and we urge, prevent biodiversity loss against which the EIAs and the monitoring of activities in Area should be measured and evaluated.

We would note that there have been related commitments along the lines of those adopted by CBD COP 14, going back at least to the 2002 World Summit on Sustainable Development. The WSSD Johannesburg Plan of Implementation in para 32 calls for States to:

- (a) Maintain the productivity and biodiversity of important and vulnerable marine and coastal areas, including in areas within and beyond national jurisdiction;” and
- (d) Develop national, regional and international programmes for halting the loss of marine biodiversity...”

There is increasing global awareness of the importance of protecting and maintaining biodiversity for its own sake, as well as for the ecosystem services and the benefit of humankind as a whole that biodiversity provides.

Many of you may be aware of the report released earlier this month by the UN FAO on The State of the World’s Biodiversity for Food and Agriculture (Commission on Genetic Resources for Food and Agriculture) which sounds the alarm over the risk that

the current loss of terrestrial biodiversity poses for future of food production for humankind

Madam President, C/4 paper stated that it is difficult to require contractors to comply with regional environmental management plans since such plans are not binding legal instruments and, therefore, do not impose legal obligations on contractors. We, on the other hand, suggest that plans should be binding instruments. Where there are specific obligations, such as not to mine inside a protected area, they should be binding. Specific outcomes, such as templates for EIAs, must be followed.

We do agree, however, that the Regulations should “require that the environmental management and monitoring plans of contractors be assessed against objectives in the regional environmental management plans” and that “Should they not contribute sufficiently to those objectives, the contractors’ environmental management and monitoring plans would need to be revised or rejected as inadequate.” The Pew Code Project similarly reported support for an express condition that the Commission not recommend approval of any Plan of Work that did not demonstrate compliance with the relevant REMP.

We welcome this, but as we noted before, the draft regulations do not yet require this discretionary step. We believe that they should.

Thank you.