

DSCC intervention to the ISA Assembly
Wednesday 25 July 2018
Agenda item 7: Report of the Secretary-General

We commend the Secretary General for the comprehensive report and we congratulate the Secretariat and Authority on live streaming the Council and Assembly sessions. This is an important development in transparency. We also call on the Assembly, as the supreme organ of the Authority, to renew its call for the LTC to hold its meetings in open session as called for by the Assembly in its Decision at the conclusion of the Article 154 review (ISBA/23/A/13) last year and we suggest also live streaming sessions of the Legal and Technical Commission.

Taking a broader view, we would like to draw your attention to the submission to the ISA on the strategic plan by a group of 38 NGOs. We believe this underlines that it is time for a discussion on our use of the earth's natural resources and the protection of our oceans and wider environments in the context of sustainable development, including Sustainable Development Goal (SDG) 12 on sustainable consumption and production patterns as well as SDG 14 on oceans. This conversation needs to address conservation of the ocean, its resources, biodiversity, habitats and ecosystems, and the need for reusable technologies, recycling, and better product design to ensure we make the best use of the resources we have.

We appreciate the many delegations (African Group, China, CANZ group, Monaco, Italy and many others) that have highlighted the importance of protecting the marine environment, REMPs, that the regulations cannot be done overnight but must be carefully and systematically developed [and debated, that the ISA must act for the benefit of mankind as a whole, the relevance of the BBNJ process and the need to improve the working methods of the Authority. In regard to the latter] and we appreciate the support for the German and Belgium non-papers and Chile's comments on consideration of an environment committee.

While many interventions have focused on the importance of careful development of the exploitation regulations, we would also like to raise a specific point of importance related to Part XV of the Secretary General's report in regard to the review by the LTC and Council of the EIAs for the testing of mining equipment in 2019 under the current exploration regulations and guidelines to contractors (ISBA/19/LTC/8). We regret that the Council did not address this important issue last week - a major shortcoming in regard to the protection and preservation of the environment. The ISA, including the Assembly, must not let this slide.

The two sponsoring states, contractors and the ISA Secretariat are to be commended for making the EIAs publicly available. However, the exploration regulations for polymetallic nodules (ISBA/19/C/17) require, in Regulation 31.4, that the LTC make a determination of whether the testing would have serious harmful effects on vulnerable marine ecosystems and ensure that if this is the case the activities "are managed to prevent such effects or not authorized to proceed." The LTC has not yet done this and by the time the LTC and the Council meets again, the testing is likely to be underway already.

Important and transparent procedures for review and decision-making are lacking and need to be put into place. This should be done as part of the review by the LTC of the guidelines to contractors indicated in paragraph 87 of the Secretary General's report. However, in the meantime the task of approving or disapproving the testing, the monitoring plans and/or any mitigation measures required should logically sit with Council. This is the first time that the ISA is considering testing of mining equipment and the associated EIA and monitoring plan as far as we know and it is important the ISA adhere to clear and transparent procedures properly. The LTC has not made the appropriate determination and the Council has not been able to review this nor any recommendations of the LTC.

The regulations are only as good as the paper they are written on unless effectively implemented. We would urge members of the Assembly to consider this issue with the seriousness it deserves.
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