



DSCC intervention on Agenda item 12. Draft regulations Annex IV and VII

21 February 2020

Annex IV - Environmental Impact Statement

Thank-you Madame President

In answer to your question we would like to express some initial comments on this Annex. Our view is that the elements of the Environmental Impact Statement must be mandatory and not guidelines only. They must also establish minimum requirements, such as a requirement that a full catalogue of species in the area of interest for mining must be collected as part of the EIA, e.g. in paragraph 4 of the Annex. Comprehensive baseline information is needed to assess potential impacts of mining. We can't know whether it is possible or how to manage activities to prevent damage to the fauna in the Area, as required in Article 145, if we don't know what is living there in the first place. It should be unacceptable practice for the international community of nations to authorize activities that risk losing species before we even know they exist. Collecting this baseline information is arguably the responsibility of States as well as contractors – it is after all the States that are under an obligation to ensure effective protection of the marine environment.

Regarding paragraphs 7 and 8, clear conservation objectives and requirements are needed in the regulations including, as we've argued, that biodiversity loss be prevented. Paragraphs 7 (b) and 8 (b). – identifying measures that will be taken to avoid, remedy or mitigate such impacts – need to be determined on the basis of the conservation objectives in the regulations and a clear determination of the types of impacts that are required to be prevented or avoided. States as well as contractors need to know this as part of the EIA/EIS process.

Annex VII - Environmental Management and Monitoring Plan

We have similar concerns to those we raised in relation to Annex IV. Paragraph 2, subparagraphs (c) and (d) – (f) require assessing the “significance” of environmental impacts during the monitoring phase and identifying “management techniques, including adaptive management techniques (process, procedure, response), if appropriate, needed to achieve the desired outcomes”. This leaves far too much discretion to the contractors. Without spelling out clear conservation objectives and requirements, it could be up to each contractor or sponsoring state to decide what constitutes a significant impact and ‘appropriate’ measures, if need be. This would not ensure effective protection of the marine environment.