



**Statement by Mr. Michael Lodge, Secretary-General of the
International Seabed Authority.**

**Intergovernmental Conference on an international legally binding instrument under the
United Nations Convention on the Law of the Sea on the conservation and sustainable use
of marine biological diversity of areas beyond national jurisdiction
(General Assembly resolution 72/249)**

Agenda Item 7

Environmental Impact Assessment

Section 5 of the aid to discussions paper raises a number of important questions relating to environmental impact assessment which touch directly upon the mandate of the International Seabed Authority. These include questions relating to content, process, form and substance of EIAs, as well as monitoring of activities carried out in ABNJ.

In accordance with articles 205 and 206 of the Convention, States already have obligations to assess the potential effects of activities under their jurisdiction or control that may cause substantial pollution of or significant and harmful changes to the marine environment and to make public those assessments. Consistent with the Convention's approach of protecting the whole of the marine environment and not just part of it, these obligations apply to activities wherever they are conducted, both within and beyond national jurisdiction. It is important that any new agreement does not diminish the impact of these important and far-sighted provisions.

The aid to discussions paper also raises the question of the relationship of any new legal obligations to existing EIA processes administered by relevant global and sectoral bodies.

In this connection, it is important to recognize that Part XI of the Convention and the 1994 Agreement, together with rules, regulations and procedures that have been developed by the Authority since 1994, contain a comprehensive and complete body of international law governing environmental management of deep sea mining, including processes for EIA.

These include detailed and substantive provisions for the assessment of possible environmental impacts arising from exploration for marine minerals in the Area which define the sort of activities that require EIAs, the form and content of such EIAs when required, as well as guidance on baseline studies, monitoring and reporting, including of the impact on marine biodiversity throughout the whole of the marine environment.

Currently, the Authority is working on draft regulations to govern exploitation, which also include detailed provisions relating to EIA. Under the current draft, contractors would be obligated to submit an environmental impact statement to document and report the results of an EIA which must be designed to identify, predict, evaluate and mitigate the biophysical, social and other relevant effects of the proposed mining operation.

EIA requirements need to be supported by appropriately specialized institutional arrangements. In this respect, Part XI and the 1994 Agreement also deliver a complete, comprehensive and balanced package as far as the management of deep sea mining is concerned.

Thus, the decision-making processes of the Assembly and Council, which are embedded in Part XI and the 1994 Agreement, are supported by expert advice and recommendations from the Legal and Technical Commission, established under article 163 of the Convention. Under Article 165(d) and (e) the Commission is also empowered to prepare assessments of the environmental implications of activities in the Area and make recommendations to the Council on the protection of the marine environment, taking into account the views of recognized experts.

Whilst comprehensive in nature, the system under Part XI is sufficiently flexible to respond to changing circumstances. For example, as the pace of activities in the Area has increased, the Authority has decided to move ahead with a programme to develop regional environmental management plans for all ocean regions where mineral exploration is taking place. This important process will ensure that impacts on the marine environment are effectively managed at the regional level in full collaboration with other competent organizations.

In summary, this is an area where there already exists comprehensive legislation at the international level as well as institutional arrangements that reflect the delicate balance of interests between all States in the Area. Furthermore, in keeping with the status of the mineral resources of the Area as the common heritage of mankind, these institutional arrangements already provide for the full participation of all States Parties in processes relating to EIA.