Critical Statement of the German Environment Agency

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Section II 2.1 – General Aspects of Water and Soil
Contents

• Main critique
• Comments on distinct issues
• Clarification needed
• Conclusions and outlook

• Disclaimer
  – Not comprehensive
  – Possibly Misunderstandings
  – No immediate solutions
Main critique – too narrow in scope

- Too much focus on project approval
- Increased risk of harmful effects
- New challenge for the mandate of ISA by exploitation
  - Common heritage of mankind
  - Sustainable Development
  - Benefit Sharing
- Neglect long-term mandate
  - Appropriate Tools required
Main critic – too narrow in scope

• No provisions on regional governance
  – Contents, procedures and responsibilities

• Enforcement: Responsibilities not clarified
  – Sponsoring State and ISA organs
  – EIA, monitoring, surveillance
  – Seabed mining directorate regulations
Distinct aspects

- Effective Conservation of Species and Habitats to be ensured
  - Sufficiently large and ecologically representative areas to be protected
- Uncertainties – Cut off in case of insufficient data and knowledge
  - Precedent in London Protocol Annex 2
- Public Participation – inappropriate Definition „interested persons“
  - Only person „directly affected“ by activities
  - „In the opinion of the Authority“
  - NO EXCLUSION!
Distinct aspects - second

• EIA for closure plan for approval of WoP
  – Better later on: right before closure
  – New knowledge and new regulatory standards

• Best available scientific evidence
  – No exclusion of other scientific – not best - knowledge
  – German standard for very risky activities like nuclear or genetic engineering
Clarification needed

• EIA
  – Clear differentiation between contents of assessment, integration of results in Env. Management plan and procedure

• Exploration and Exploitation
  – No exploitation without previous exploration
  – Pilot mining tests: when, what and what consequence?

• Readerfriendliness
  – Integration of the three drafts into one legal document:
  – More clarity on specific technical requirements
Conclusions and Outlook

• Contents and conceptual approaches still to be discussed
  – Regional Governance
  – Dealing with uncertainties

• No technicalities, but political preferences

• Future mode of cooperation and negotiation to be considered
  – Stronger involvement of Parties
  – Continuous working and correspondence groups
Thank you for your attention!

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