

Intervention by Jeff Ardron, Commonwealth Secretariat, at the ISA Council meeting, Friday 15 July 2016, 15:23.

Thank you Mr President for the opportunity to comment on the LTC report. First of all, the LTC must be recognised for its hard work, handling a very full agenda. The issues that LTC has been asked to consider and which we discussing here, are timely with relevance for years to come. In the interests of time, the Commonwealth Secretariat would like to comment on just three of the themes that have emerged today: the role of civil society; protecting the environment; and good governance concerning confidentiality and transparency of information.¹

Regarding the role of civil society, we agree with the LTC that a stakeholder engagement strategy should be developed. Such strategies normally consider when engagement is required, and the appropriate degree of engagement, be it communication or consultation, coordination or cooperation. Here, I would like to highlight the needs, as well as the valuable role, that small states, particularly small island states, can play in stakeholder engagement.²

Regarding protection of the environment, we likewise agree with the LTC that it is necessary to develop criteria for identifying Preservation Reference Zones (PRZs) and Impact Reference Zones (IRZs), and that these criteria need to be established soon. We agree with the earlier intervention by Australia that this need not involve “re-inventing the wheel”. Existing criteria for Vulnerable Marine Ecosystems (VMEs) and also, I may add, Ecologically or Biologically Sensitive Areas (EBSAs) under the Convention on Biological Diversity (CBD), already offer examples of international good practices that can be emulated.

Regarding data confidentiality, we are in agreement with the UK and Mexican interventions in viewing transparency as a critical element of good governance of seabed mining. We agree with the LTC that the additional procedures for handling confidential data are necessary and adequate. Reflecting the Mexican intervention, we would also support a periodic review concerning release of previously confidential data; i.e. an embargo policy. However, we note that there is a gap in current procedures as to determining what constitutes “confidential” versus what shall be publicly available. In the interests of transparency, we would encourage the ISA to develop explicit procedures and criteria by which to determine whether data (and information) are confidential, or not.

Thank you.

¹ These themes reflect Principles 16, 10, & 8 of the Commonwealth Charter (<http://thecommonwealth.org/our-charter>)

² Principle 14 of the Commonwealth Charter (<http://thecommonwealth.org/our-charter>).