



Intervention of Msgr. Tomasz Grysa
Head of the Delegation of the Holy See to the First Part of the
Twenty-fifth Session of the Council of the International Seabed Authority
Decision-making
Kingston (Jamaica), 25 February – 1 March 2019

Madam President,

As a general matter, my Delegation notes with some concern the inherent conflicts in the current institutional structure and decision-making mechanisms that may ultimately compromise the regulatory processes. Specifically, the deep seabed mining regime has three separate and conflicting objectives of:

1. Promoting resource development in an environmental and economical manner;
2. Enforcing safety and environmental regulations; and,
3. Maximizing revenues from its operations in common areas for the benefit of mankind.

These objectives are not yet differentiated sufficiently in the structure to ensure effective regulatory governance and oversight. Specifically, the Secretariat has three units or divisions that report to the Secretary-General. These are:

- The Contract Management Unit that processes applications, deals with contracts and documentation, and manages the reporting process;
- The Office of Environmental Management and Mineral Resources that is responsible for all scientific and technical input, is the repository for scientific and technical data, and promotes the conduct of marine scientific research; and
- Administrative Services that provides financial management and control for the Authority itself.

Lastly, the Office of Legal Affairs supports all of these functions in advising the Secretary-General.

The first two divisions of contract management and environmental management are dedicated to developing mining in the Area and they work with the Legal and Technical Commission in this pursuit. Administrative Services works with the Finance Committee, however these tasks are supportive to the Authority rather than directed to achieving the three

objectives. The functions of the Economic Planning Commission have yet to be determined but presumably will be geared to the third objective of analyzing and understanding the economics, collection of royalties and maximizing returns of exploitation activities. The functions of compliance and enforcement as well as safety matters have also been loosely assigned to the Secretariat and possibly to the Sponsoring State with oversight by the Legal and Technical Commission. My Delegation finds this nebulous assignment of critical responsibilities rather weak at best.

Therefore, my Delegation poses the question to the Council of whether the current structure can adequately address, without conflicts of interest, the objectives of safety and enforcement with reliance on the same bodies tasked with approving the activities? The Secretariat as well as the two Commissions – the Legal and Technical Commission and the Environmental Planning Commission created by the Council - are not yet structured to avoid conflicts in the decision-making process.

In considering ‘best practices’ regarding regulatory structure, I would like to point out that as a result of the spill of the Deep Water Horizon in the Gulf of Mexico, the framework placing these differing objectives and responsibilities all within the same minerals regulatory body was found to be sorely lacking given the conflicts of interest. Instead, three separate agencies were created, each to deal with the three distinct objectives. Although this arrangement may be impractical for our purposes, the lesson is worthy of consideration.

Thank you, Madam President.