

Council 18 July 2016 IUCN intervention Agenda Item 13

Thank you Mr. President

IUCN thanks the LTC for its hard work in developing this zero draft of one part of the future Exploration Regulation. IUCN would like to raise two high level issues and then comment on some specific provisions for consideration by members of Council and observers during their review of the draft recommendations.

- Welcomes the opportunity to submit written comments on the Zero Draft by 2 Nov particularly in light of the aim of the Commission to develop the regulatory code 'in a transparent and inclusive manner'. Hopes there will be future opportunities for more face to face discussion rather than just submitting views on line.
- Notes that it will be important that robust Env Regs are prepared and fully integrated with the Zero Draft and that the Draft does not address the role of the Authority in promoting, encouraging, as well as conducting marine scientific research that is important to address the shortage of regional environmental data. (UNCLOS, Art 143).

Specific Provisions:

- welcome Reg 46(3) which states that 'any Information regarding the Exploitation Contract, its schedules and annexes or the activities taken under the Exploitation Contract is public, other than Confidential Information.' (presumption of non-confidentiality)
- welcomes Reg 46(4)(e) and (f) which specifically states that environmental information is not confidential information.
- the document refers to 'Good Industry Practice' several times. It is unclear what is meant.
- welcomes that the paragraph 8(4)(c) highlights the need to protect vulnerable marine ecosystems.
- With respect to Reg. 11(2)(c): The Commission shall not recommend exploitation 'in cases where substantial evidence indicates the risk of serious harm to the Marine Environment'. This is the same wording as in the Exploration Regs, which sets a high evidentiary requirement, which is difficult to meet given the uncertainties involved in DSM and the data-poor environment. This is arguably not in line with the precautionary approach, which recognises that protective measures should be taken even in the absence of full scientific certainty.