

Deep Sea Conservation Coalition

Intervention on Council Agenda Item 12: Report of the Chair of LTC

Friday 11 August 2017

We would like to comment on the issues raised in Section IV. B. of the Report of the Chair of the LTC – the section entitled “the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area.” Paragraphs 25 and 26.

We note that In accordance with regulations related to the application for a plan of work for exploration, applicants are required to submit “(c) A preliminary assessment of the possible impact of the proposed exploration activities on the marine environment and (d) A description of proposed measures for the prevention, reduction and control of pollution and other hazards, as well as possible impacts on, the marine environment” (quotes from ISBA/23/C/11 paragraph 30).

We believe this information should not be kept confidential and request that both the contractor’s preliminary impact assessment and the discussion and reasoning behind the LTC’s recommendation to approve the plan of work should also be made publicly available. We also request that the reports and annual reviews by the LTC of the environmental performance of contractors should also be a matter of public record with matters of commercial confidence redacted as need be.

Since 2007/2008 most states which authorize deep-sea bottom fisheries in areas beyond national jurisdiction have conducted and published impact assessments of their fisheries in ABNJ, including for new and exploratory fisheries. These impact assessments have been reviewed by the scientific committees and annual meetings of the RFMOs concerned and the reviews and recommendations are also made publicly available. These procedures and requirements have been established in response to the adoption of UNGA resolution 61/105 and subsequent resolutions, most recently resolution 71/123 adopted by the General Assembly in December of last year, which, among other things have committed States to make this information publicly available.

We would urge that the ISA agree to a similar approach with the preliminary impact assessments, the reasoning behind the LTC’s recommendations to approve a plan of work on the basis of the applicant’s impact assessment and proposed measures for the prevention, reduction and control of pollution and impacts on the marine environment, and the annual evaluation by the LTC of the performance of contractors in regard to meeting the environmental requirements established by the ISA.

In this regard we strongly agree with the comments by Algeria on behalf of the African Group, Netherlands, Brazil, Australia and others in regard to compliance of contractors highlighted in paragraph 15 of the Chair’s report and the need for greater transparency to allow Council to more effectively discharge its duties.

The Article 154 review offers a good opportunity for States to agree to much more transparent working methods of the ISA on this issue and other aspects of the work of the LTC and the ISA overall, including the establishment of an Environment Committee, which we continue to call for. We look forward to

hearing proposals from States in this regard and seeing real progress on the issue of transparency in the discussions and decisions which will be taken by the Assembly next week.

Finally we would like to reemphasize the importance we attach to the development and adoption of Regional Environment Management plans as a matter of urgency and are pleased to hear the interventions from several delegations in this regard.