

Deep-Ocean Stewardship Initiative (DOSI)
Statements to the 25th Session of the ISA Council (Part 2)

<http://dosi-project.org>

17th July 2019

Agenda Item 11: Draft regulations for exploitation of mineral resources in the Area.

- **Part 4**

Thank you, Madam President,

We will focus on Regulations 45 and 46. The Deep-Ocean Stewardship Initiative would like to begin by commending the Secretariat on the progress made in the development of the Standards and Guidelines, especially as a result of the Pretoria workshop. DOSI recognizes that non-binding recommendatory Guidelines can be useful at an early stage of the process and may aid in the eventual development of mandatory Standards. However, robust, legally-binding, mandatory Standards are required at ALL stages as also mentioned by Germany, Costa Rica and others, and important aspects of the regulatory regime should not be relegated to recommendatory Guidelines. Examples of the regulatory regime that, in our opinion, would require Standards include components of the Plan of Work such as the risk assessments, EMMPs, EIAs, EISs and Closure Plans (for example, for the determination of impacts, thresholds and serious harm, as well as the content of Appendix IV 2.4). Further, Standards are needed for setting targets in the Regional Environmental Management Plans, establishing what constitutes adequate and high-quality baseline data, as well as serious harm (as also recommended by Japan), and determining monitoring requirements. The development process of Standards and Guidelines will only be successful through the engagement of appropriate scientific expertise, some of which may need to be independent of the Commission and the ISA, in a transparent and inclusive manner. DOSI believes that because both Standards and Guidelines will form a significant component of the regulatory framework, both should be completed before the Exploitation Regulations are finalized and exploitation contracts awarded, that is during Phase 1. Lastly, to facilitate the implementation of Standards and Guidelines, the terms “best environmental practices”, “best available scientific evidence” and “best available techniques”, referred to throughout this Section and others, need to be further defined and clearly operationalized. DOSI urges the ISA to ensure that the current deadline of 2020 for finalizing regulations does not undermine the requirement for high quality in the Standards and Guidelines.

Thank you, Madam President.