

Deep Sea Conservation Coalition

Intervention on Assembly Agenda Item 9: Report of the Art. 154 Review Committee

Wednesday 16 August 2017

Let me begin by saying we appreciated very much the intervention of Jamaica and, in relation to rec 17 of the Review Committee's report, we think the proposal from the Minister of Jamaica, to develop a Strategic environment management plan is well worth pursuing.

We were pleased to hear the many interventions recognizing the importance of protecting the marine environment. To do this well, good scientific advice and environmental information, analysis and recommendations are essential. We would note that all organs of the ISA have a major task ahead in this regard over the next several years and beyond. We were concerned to hear from the Secretary General of the limited environmental expertise within the Secretariat and would agree with rec 6 of the Review Committee. And given the limited number of members of the LTC with scientific expertise we have recommended that a scientific or environmental committee be established.

While members may not be ready to agree to this at this session of the Assembly, we would note that it appears that there is nothing to prevent the Assembly or Council from agreeing to do so at any point in the future, irrespective of an Article 154 review. UNCLOS Articles 160 para 2(d) and 162 para 2(d) allow both organs to "establish, as appropriate, and with due regard to economy and efficiency, such subsidiary organs as it finds necessary for the exercise of its functions". In this regard it might be worth the Council in particular to consider a time-bound Ad hoc scientific/environmental committee to assist the development of environmental elements of the exploitation regulations at its next meeting in 2018. One benefit of such an Ad Hoc committee would be that all debate and discussion on environmental matters could be open, as they should be with the LTC, without necessarily worrying about commercially confidential information. Such a committee could also review the outcome and recommendations of relevant workshops in an open and transparent manner.

On the question of transparency we agree strongly with recommendation 18 of the Review Committee's report that Non-confidential information, such as that relating to the protection and preservation of the marine environment, should be shared widely and be readily accessible.

In our intervention yesterday we had several suggestions as to the types of environmental information which should be shared, such as the performance of contractors in meeting the environmental guidelines already established by the LTC for exploration.

One further suggestion we have is in regard to the upcoming testing of mining equipment in the Area. We heard from a contractor this week that they plan to conduct such as test in 2019. Our understanding is that the contractor will submit a prior environmental impact assessment, as well as an environmental monitoring programme to be carried out during and after the testing activity. This is required in paragraph 19 of the LTC's Recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration activities (ISBA/19/LTC/8). So we would urge the LTC, the contractor and sponsoring states concerned to make these prior impact assessments public. We would also urge that the review of these impact assessments, the monitoring programme, and the assessment of the environment impacts of the tests after they have taken place be

done in open meetings of the LTC. This would be consistent with recommendation 16 that Legal and Technical Commission should be encouraged to hold more open meetings in order to allow for greater transparency in its work.

Paragraph 19 of LTC Guidelines (ISBA/19/LTC/8) also notes that these baseline, monitoring and impact assessment studies are likely to be the primary inputs to the environmental impact assessment for commercial mining. An open process of assessment and review would be helpful to members of the Council and Assembly to better understand the nature, challenges and requirements for such assessments as part of the drafting of the exploitation regulations.

There are many ways the ISA can improve the transparency of its work and we hope to see significant progress in this regard, including opening sessions of the LTC.

Thank-you.