

Statement of the Pew Charitable Trusts on Provisional Agenda Item 6  
("Consideration of requests for observer status")  
Annual Session of the Assembly of the International Seabed Authority, 22 July 2019

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Thank you, Madam President. And allow me, please, to congratulate you on your election.

On the question of ISA Observers. I should begin by joining Australia, New Zealand, Canada, DOSI and others in saying that there are many excellent elements within the Secretariat document.

But there are problems, and we support many of the excellent critiques made by Italy, Costa Rica, Germany, Netherlands, Spain, and others. To their arguments I would add that essential point made by Tonga: talking about a complex and to some degree controversial Observer policy consumes time better spent on the main task at hand: writing and approving regulations.

Madam President, your distinguished predecessor this morning described the development of the ISA exploitation regulations as a "landscape-shaping event". The approval of such regulations is the most pressing obligation of the Authority. And nowhere is that obligation better described than in the ISA Strategic Plan: "Adopt rules, regulations and procedures covering all phases of deep sea mineral exploration and exploitation." "Ensure that the rules, regulations and procedures governing mineral exploitation incorporate best practices for environmental management." Those are the big tasks and now is not the time to foreclose any reasonable source of analysis and criticism that might inform the development of the Mining Code.

For the record, we believe that he proposed guidelines that A) "Observer status may not be granted to an NGO unless it undertakes to support the activities of the Authority" and B) That NGOs must evince "efforts to disseminate and promote the work of the Authority" are unwise, for reasons well marshalled by our colleagues. But they also deflect attention from the real work at hand.

One final consideration. I would point out that there is a new context for these discussions. Slowly, imperfectly, sometimes helpfully, sometimes less helpfully, there is growing interest in civil society elements and environmental organizations around the world as to the wisdom of deep-sea mining in general and the capacity of the Authority to enforce the environmental-protection language of Article 145 in particular. There are calls for both moratoriums and flat prohibitions. Now is not the time for the Authority to establish rules that would require Observers to "promote the work of the Authority." Let us instead welcome useful insights and suggestions from all stripes of Observer groups. The "common heritage of mankind" demands well-ventilated conversations.