

Statement of the Pew Charitable Trusts on Delegation of Functions  
Tuesday 26 February 2019

Thank you, Madam President. I should like to add just a little to this morning's discussion.

And it is to congratulate Mr Brown the Secretariat for the document under examination. We find it to be well-researched, thoughtful, and straightforward. We also agree with the statements of Germany, Australia, France, and other delegations that more discussions and elaborations are in order. A scrupulous item-by-item review of the Annex to this document, as recommended by the representative of France, would be most helpful. But I should like to reiterate: this is a very helpful document. Particularly helpful, as the representative of the United Kingdom just noted, in the concrete proposals for divisions of labor as described in the Annex.

Madam President, Pew Seabed Mining is a conservationist undertaking. We aim to help the ISA write an environmentally precautionary Mining Code. And it is from that conservationist point of view that we believe that the Council should delegate strong authority to the Secretariat to protect the environment by acting quickly and decisively when – by happenstance or design – “serious harm” to the marine environment is clearly threatened. Singapore's careful analysis and precise recommendations deserve close consideration, as should the remarks by the representative of Nauru and Micronesiaj.

As many speakers this morning have said a delegation of powers to the Secretariat to deal with environmental problems in real time could be accompanied by the creation of some variety of Executive Committee of the Council that could act quickly to approve - or block – time-sensitive interventions by the Secretariat. The useful suggestions put forward by the representative of Italy in this regard deserve close attention.

The remarks of the representative of Japan -- in which he reasonably argued on behalf of contractor rights against the interventions of an overly hasty, even impetuous, Secretariat -- deserve a careful hearing. The Council should retain its powers and not delegate them lightly. But still. We agree with China in believing that this body can devise advise-and-consent mechanisms to oversee the exercise of Secretariat interventions, but that environmental protection necessarily implies a capacity to intervene quickly when necessary.