

**Meeting of the Council of the International Seabed Authority
27th Session, Part II (July 2022) – Informal working group (Environmental)**

Intervention by the IUCN (22 July 2022, Morning Session)

Draft Regulation 44bis. Regional environmental management plans

Thank you, Madame Facilitator.

On DR44bis, the IUCN supports the position shared by many that a plan of work for exploitation cannot be considered in areas where a Regional Environmental Management Plan has not been adopted. However, we also wish to caution that each REMP and the appropriate protection and conservation measures adopted within these REMPs (such as Areas of Particular Environmental Interests, APEIs) must be robust and informed by science. This takes time. We do not wish to see a situation where REMPs are developed in a slipshod manner simply to fulfill the requirement that one is needed in order to enable the consideration of a plan of work.

Apart from that, while DR44bis requires an REMP to be in place before the consideration of a plan of work, we note that for the present purposes, the provision in its current form does not seem to be too concerned about whether a particular REMP, including the measures adopted thereto, was developed with the intention of a specific mineral deposit type in mind. Consequently, we wonder whether it may be worth to add as added measure that where an existing REMP (and the accompanying protection and conservation measures thereunder) was developed primarily taking into account a specific mineral deposit type, whereas the application for the approval of a plan of work before the Council is for a different deposit type, whether such an existing REMP should first be reviewed to ascertain if the existing protection and conservation measures established thereunder would also be effective for the new deposit type and to determine if additional science-based measures are needed to be in place before such a plan of work can be considered.

Furthermore, while we appreciate your explanation on why reference to a standardized approach does not feature in DR44bis, we believe that the Council should promptly consider the proposals made by Germany and the Netherlands and co-sponsored by Costa Rica to this end, which have been pending since February 2020, and arrive at an appropriate decision on them. In order to give effect to such a decision (which we foresee) as well as any future decisions on this by the Council, we suggest adding a sentence in DR44bis that may read as follows: "All regional environmental management plans developed by the Authority shall be in conformity with the Rules of the Authority and any relevant decisions adopted by the Council". Similarly, in order to ensure that existing REMPs are also not exempted, an

additional sentence should be added that could read as follows: “The review of any existing regional environmental management plan shall also conform with the Rules of the Authority and any relevant decisions adopted by the Council”.

Finally, we wish to make a brief remark as we near the end of our intervention on DR44bis. We are aware that many delegates here today will also be attending the BBNJ negotiations in New York in a couple of weeks’ time. A [recent paper](#) published in the *Frontiers of Marine Science* journal underscores the numerous deficiencies pertaining to the Authority’s current approach to the REMP development process, and relying on the ecosystem approach, the paper highlights the need for the Authority to utilize REMPs in a manner to ensure coherence between the work of the Authority and the forthcoming BBNJ regime. Following that, we implore delegations to momentarily put aside legalities and reflect on ABNJ (areas beyond national jurisdiction) governance as a whole. As just stressed by Costa Rica, the ocean is currently under unprecedented levels of threats, and this is also the case in ABNJ. Even if the international community manages to conclude an ambitious BBNJ Agreement, which is a priority for the IUCN, mineral exploitation activities may threaten and wholly undermine any well-intended efforts undertaken through that process. If REMPs do not place the environment at the forefront, if the protection and conservation measures are not effective and prioritize commercial exploitation interests ahead of the environment, it may be more aptly called “regional mining management plans” instead, as opposed to “regional environmental management plans”. Thus, the crucial role of REMPs and its potential to contribute to responsible ABNJ governance should not be underestimated.

Thank you, Madame Facilitator.