

IUCN COMMENTS on draft the draft regional environmental management plan for the Area of the northern Mid-Atlantic Ridge with a focus on polymetallic sulphide deposits

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Express consent for publication is granted.

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General Comments	
<p>When preparing the general comments, stakeholders are invited to consider the following:</p> <ol style="list-style-type: none">1) The structure and layout of the draft REMP.2) The level of detail of the draft REMP, while avoiding being too prescriptive.3) The goals and objectives in the draft REMP in providing for long-term, effective protection of the marine environment in the Area of the northern Mid-Atlantic Ridge.4) The management measures and their ability to achieve the goals and objectives in the draft REMP.	
IUCN General Comments	
<p>At the IUCN World Conservation Congress in Marseille (September 2021), IUCN Members adopted Resolution 122 to protect deep-ocean ecosystems and biodiversity through a moratorium on deep-sea mining unless and until a number of conditions are met.</p> <p>The draft REMP for the northern Mid-Atlantic Ridge, while representing a significant effort, falls short of advancing any of these conditions for avoiding or lifting a moratorium on deep seabed mining. The conditions in WCC Resolution 122 include:</p> <ul style="list-style-type: none">• The risks of mining are comprehensively understood and effective protection can be ensured;• Rigorous and transparent impact assessments are conducted based on comprehensive baseline studies;• The Precautionary Principle and the ‘Polluter Pays Principle’ are implemented;• Policies incorporating circular economic principles to reuse and recycle minerals have been developed and implemented;• The public are consulted throughout decision-making;• The governance of deep-sea mining is transparent, accountable, inclusive, effective and environmentally responsible. <p>Instead, the current draft REMP is more of a draft plan to develop a plan for regional environmental management than an effective plan that can ensure comprehensive and effective protection of the marine environment from the harmful effects of deep seabed mining, as required under UNCLOS Article 145.</p> <p>Similarly, the many measures in the draft aimed at gathering additional data underscore the poor knowledge base upon which to launch commercial mining. This provides neither the assurance that the risks of mining are comprehensively understood nor that the precautionary approach will be effectively implemented.</p>	

Moreover, IUCN is concerned that the process for developing the draft REMP falls short of the transparent, accountable and inclusive manner demanded by the significant obligation the International Seabed Authority bears to act on and represent the interests of humankind as a whole. For example, the proposal submitted by the delegations of Germany and the Netherlands, with co-sponsorship by Costa Rica ([ISBA/26/C/27](#)), for a standard procedure and template for the development of REMPs, should first be discussed by Council before further developing REMPs. Publications of independent scientists that are a core part of the “best available science” on biogeography, connectivity, network-criteria, spatial management, or modelling of cumulative impacts” of deep-sea chemosynthetic ecosystems such as those found along the northern Mid Atlantic Ridge (see DOSI) have not been utilized.

As underscored in the recent briefing on [Harmful Marine Extractives: Deep Sea Mining](#) from the UN Environment Programme’s Sustainable Blue Economy Finance Team, “[t]he extraction of non-renewable marine resources such as oil & gas and seabed mineral deposits in particular poses a significant risk to the ocean and cannot be considered sustainable.”... “Significant challenges must be overcome before the sector can be recognized as economically viable or as a responsible industry that can make a positive economic contribution. These challenges present potential investors with significant risks.” IUCN would add that these challenges present a significant risk also to the wider international community and the marine environment.

Below we highlight our general comments on the draft REMP for the northern Mid Atlantic Ridge (nMAR). We refer the ISA and other readers to the more detailed comments from the [Deep Ocean Stewardship Initiative](#) (DOSI) and The Pew Charitable Trusts, which IUCN also supports.

1. The structure and layout of the draft REMP.

- The draft REMP is incomplete and difficult to follow. Many sections and issues are missing, such as discussion on uncertainties and knowledge gaps, ways to operationalize precaution in the context of adaptive management, regional goals that respond to global goals with measurable objectives and thresholds, and a clear assignment of roles and responsibilities for implementing and enforcing the REMP.
- Also missing are provisions for establishment of a network of representative habitats, consideration of underwater cultural heritage or consideration of other human activities (marine users), including long term scientific research. Incorporation of traditional knowledge should further be included as part of overarching REMP guiding principles

2. The level of detail of the draft REMP, while avoiding being too prescriptive

- While the multiple types and scales for protected areas/sites and precautionary areas are to be welcomed, the procedures for deciding which areas/sites are protected appears to be arbitrary and not subject to thorough scientific or stakeholder consultation.
- Also unclear is how and by whom additional areas/sites may be designated and how these will in fact be protected from indirect and cumulative effects of deep seabed mining.

3. The goals and objectives in the draft REMP in providing for long-term, effective protection of the marine environment in the Area of the northern Mid-Atlantic Ridge.

- The overarching goals and region-specific goals do not appear to be consistent with UNCLOS Articles 145, 192 or 194.5, the precautionary principle or global commitments to reverse the loss of nature. The science and/or policy basis for the draft global and region-specific objectives is unclear and there is no explanation as to why the goals and objectives do not reflect those in [ISBA/26/C/27](#).
- Key missing elements include measurable, legally-binding and science-based thresholds based on wide stakeholder consultation to guide and assess performance at a regional or site-specific scale. These thresholds and associated indicators cannot be “determined” (as is proposed in the Operational Objectives) after the fact through “adaptive management,” as the harm may not be immediately measurable or remediable. Instead, measurable thresholds, and region-specific goals and objectives, should reflect the common interests of all of humankind in a healthy ocean as the foundation.

4. *The management measures and their ability to achieve the goals and objectives in the draft REMP.*

- The proposed management measures are insufficient to enable the REMP to achieve its goals. Much of it is framed in ‘voluntary’ rather than ‘obligatory’ language, without a clear assignment of roles or responsibilities. Moreover, the “security of tenure” referred to in the draft REMP is ill framed as it should not and does not exempt contractors from complying with environmental responsibilities under UNCLOS or other contractual obligations.
- In addition, the process for reviewing baseline information, conducting regional environmental assessments and updating management measures (area and non-spatial) is ill defined, again raising concerns about the REMP reflecting best available science.

5. *Additional Comment:*

- Much more research is needed to inform future REMPs, the Exploitation Regulations, and the decision to mine at all. IUCN also recommends further consideration of the research plan set forth in Amon et al, 2022, [Assessment of scientific gaps related to the effective environmental management of deep-seabed mining](#), Marine Policy, Volume 138, 105006. First steps include “the definition of environmental goals and objectives, the establishment of an international research agenda to generate new deep-sea environmental, biological, and ecological information, and the synthesis of data that already exist.”

References:

Amon et al, 2022, [Assessment of scientific gaps related to the effective environmental management of deep-seabed mining](#), Marine Policy, Volume 138, 105006

[IUCN Issues Brief Deep-sea Mining](#)

IUCN webinars on deep sea mining

- [Raising the curtain](#) (July 2019)
- [Shining a light on Deep-sea Mining 1](#) (March 2022)
- [Shining a light on Deep-sea Mining 2](#) (March 2022)