

AN ENVIRONMENTAL STRATEGY?

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for the Area' (March 2017)

What could an environmental strategy be?

- High-level document (policy-level)
- Global scale
- Some elements of it already exist
- May in effect be an SEMP
- Development of this document can take some elements of a SEA. E.g. documenting what was considered when developing the document and why particular elements were chosen

Intro / overview

1. Why
2. Legal basis
3. Potential elements
4. Potential aims
5. Potential formats
6. Potential approaches
7. Conclusion

1. Necessity for an environmental strategy

Who does what?

D) Institutional role to implement requirements

A) Gaps in substantive requirements

C) Move beyond ad hoc env. measures

B) Existing substantive requirements must be procedurally implemented

- REA/REMP
- Consideration of climate change (see SEMPIA II) & ecosystem services

- Regulatory certainty
- Long-term focus
- Danger of being overlooked
- See ISA Technical Study No 11 (2013)

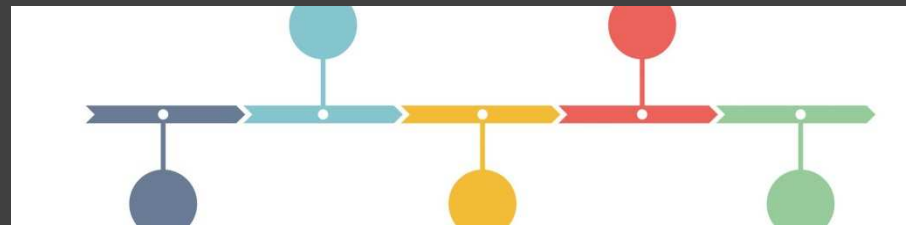
- Baselines
- Cumulative effects
- Precaution
- VMEs?

2. Legal basis

- *‘The Council shall have the power to establish [...] the specific policies to be pursued by the Authority on any question or matter within the competence of the Authority.’ (art 162(1))*
 - Assembly: general policies (art 160(1))
- ISA is mandated to adopt rules, regulations and procedures for:
 - control of pollution (art 145);
 - prevention of damage to flora and fauna (art 145);
 - *‘mining standards and practices, including those relating to operational safety, conservation of the resources and the protection of the marine environment’ (annex III art 17).*
- The effective protection of the marine environment is a core obligation of, and indeed a priority task for, the ISA (1994 IA, annex section 1(5)).

3. Potential elements of an environmental strategy

- Overarching environmental objectives (global)
- Criteria for REAs:
 - *‘Strategic approaches create initiatives, determine broad goals and then find the means to achieve them.’*
(Weaver and Jones, Discussion paper)
- Timeline for environmental measures that are needed before, during, (and after mining) phase, incl. procedural safeguards & minimum data requirements



3. Potential elements of an environmental strategy

- Stakeholder engagement strategy
- How will key principles be operationalised (precaution, BEP, ecosystem approach, ...)
- How will cumulative effects of other activities be taken into account
- Who is responsible for which step
- How will/can the Area regime contribute to SDG 14
- Cooperation with other organisations (ICPC, RFMOs,...)
- Access to justice for contractors and stakeholder?

4. Potential aims of an environmental strategy

- 1) to ensure all relevant environmental standards and measures are identified in a systematic manner and allocated to the appropriate actors;
- 2) to ensure strategic environmental management is fully integrated into the Mining Code as well as the ISA's decision-making processes and supported by institutional capacity;
- 3) to ensure environmental management measures are given effect in a timely manner.

5. Potential formats

- 1) Policy paper
 - Stand alone document
 - Updates regularly
 - Applies equally to all member states & contractors
- 2) Separate regulations
- 3) Part of environmental regulations
- 4) Other

6. Potential approaches

Who could lead the development of an environmental strategy?

- ISA Secretariat?
- Member states (Working group of delegates in the ISA Assembly/Council)?
- WG of member states + consultants or workshops (see Art 154 review)?
- LTC?

7. Conclusion

- Strategic document about how to implement Art 145
- Build on what is there & add missing components
- Higher-level document to inform REA and project-level EIA





Thank you