



PART II OF THE 27TH SESSION OF THE COUNCIL OF THE INTERNATIONAL SEABED
AUTHORITY

STATEMENT BY THE DELEGATION OF THE KINGDOM OF SPAIN.

Working Group on environment matters

Permanent Representative Diego Bermejo Romero de Terreros

Madam President,

My delegation wishes to congratulate you on the revised version of Parts IV and VI of the draft regulations, which incorporates some of the amendments submitted by my delegation. And the congratulations and gratitude are also being extended to the Secretariat for its work.

Before outlining my delegation's comments on the draft articles, I would like to make an opening statement.

FIRST. – The protection and preservation of the marine environment is a “priority” for many delegations here present and, for my delegation, and has been so expressed repeatedly in the main organs of the Authority: the Assembly and the Council.

It is a reflection of the current environmental awareness that exists at the national and international level and which we cannot ignore.

The 1994 Agreement already recognized this in its preamble and introduced important provisions to give effect to Article 145 of the Convention, which requires the adoption of “the necessary measures [...] to ensure the effective protection of the marine environment against the harmful effects that may result from exploration and exploitation activities”. This article also states that it must be done “in accordance with this Convention”. This is important. In other words, we have the obligation to effectively protect the marine environment, within the legal framework of the Convention and the 1994 Agreement.

The 1994 Agreement introduced some novelties in the regime of the International Seabed Area, such as the *evolutionary criterion* that not only affects institutional aspects, but also the development of activities in the Zone and the regulatory functions of the Authority, such as “ timely development of standards, rules and procedures for exploration, among others, as well as those related to the protection



and preservation of the marine environment”, which is the objective of this informal Working Group.

The 1994 Agreement strengthened the environmental aspects of the international legal regime by incorporating, for example, the need for contractors to carry out environmental impact assessments, which were not provided for in Part XI of the Convention; the need for the Secretariat to evaluate the technology related to the protection and preservation of the marine environment; and the promotion of scientific and technical cooperation in matters of protection and preservation of the marine environment.

Madam President, distinguished delegates, in other words, the protection of the marine environment has required continuous adaptation to environmental demands, introducing new principles and instruments, as is also happening with the exploration regulations.

SECOND. – As I said in my first intervention when addressing Agenda Item 12, at the United Nations Conference on the Oceans recently held in Lisbon, many voices were raised urging that a "precautionary pause" be agreed on and the transition to the phase of exploitation of the mineral resources of the Area slowed down and continue with exploration activities, due to the lack of scientific certainty on the environmental impact of deep sea mining and the need to protect biodiversity beyond national jurisdiction. Explore to know and to better protect.

In light of this, we share the position put forward by the French delegation that the famous "two-year clause" should not oblige us to move on to the exploitation phase if the environmental conditions are not adequate and not only respond to economic or market factors. Spain agrees with this precautionary approach.

The precautionary principle gives us the possibility of anticipating negative impacts on the marine environment, and its consequences, such as the loss of biodiversity. We have been hearing this repeatedly from the interested parties and it is time to find the appropriate legal channels to provide a response.

THIRD. - As we have often reiterated, deep sea mining should not commence until there is a guaranteed and adequate regulatory framework, which ensures the minimization of impacts prior to the authorization of exploitation contracts. Our purpose, as I have indicated on previous occasions, is that exploitation regulations attain the highest level of legal precision and environmental guarantees possible.



For this reason we welcome the proposal by the German delegation on normative environmental thresholds (ISBA/27/C/30), which has our full support. We share the idea that "it is necessary to establish and apply regulatory environmental thresholds that are measurable and scientifically based."

The document presented proposes that, in light of the uncertainties which exist as a result of a lack of knowledge, the definition of thresholds should be carried out very strictly, as suggested by the precautionary criterion. For my delegation, this requirement is very necessary, in addition to introducing scientific criteria in the process.

We also agree with the suggested procedure to establish environmental threshold values, and I wish to declare that you can count on my delegation and environmental experts to work intersessionally in one or more working groups.

Thank you, Madam President.