



## Workshop on the Development of Standards and Guidelines for Activities in the Area

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# Pulling it all together

## Pretoria May 13-15, 2019

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**1. Terminology and formulation, adoption and approval of the standards and guidelines**

**2. The Standards and Guidelines must follow international law**

**3. What ISA needs by way of information**



**Overview**

**deepsea**  
conservationcoalition



## UNCLOS Article 145

“Necessary measures shall be taken in ... to ensure effective protection for the marine environment .... **To this end the Authority shall adopt appropriate *rules, regulations and procedures*** (for inter alia:...)

**1994 Agreement: 5 (g)** Adoption of rules, regulations and procedures incorporating ***applicable standards*** for the protection and preservation of the marine environment

**UNCLOS Article 197:** “States shall co-operate on a global basis ... directly or through competent international organizations, in formulating and elaborating ***international rules, standards and recommended practices and procedures*** ...for the protection and preservation of the marine environment...”

**UNCLOS Article 201:** (scientific criteria for guidelines): same wording

**Standards and *guidelines* are part of the rules, regulations and procedures so must be “formulated and submitted to Council” by the LTC under art 165, adopted by Council provisionally under art 162 and “considered and approved” by Assembly under article 160. If not: no status. Reword DRs**



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1. **UNCLOS Art 145:** “Necessary measures shall be taken in ... **to ensure** effective protection for the marine environment ....)

**ITLOS:** “*an obligation to deploy adequate means, to exercise best possible efforts, **to do the utmost**, to obtain this result... “due diligence.”* A light or permissive approach will not do this.

2. RRP must implement the **precautionary approach:**

ITLOS: This obligation applies in situations where scientific evidence concerning the scope and potential negative impact of the activity in question is insufficient but where there are plausible indications of potential risks. A sponsoring State would not meet its obligation of due diligence if it disregarded those risks. Such disregard would amount to a failure to comply with the precautionary approach.”

- DOSI presentation shows how this is to be done.



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and Guidelines  
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### 3 Crucial Issues for Sustainable Development:

#### Social, Environmental and Economic

**Social:** benefits to mankind and the common heritage of mankind, impacts on land producer developing countries, being a principle of UNCLOS (Article 150(h))

+ [SDG 12](#) (responsible consumption and production), and [SDG 14](#), (conserve and sustainably use the oceans, seas and marine resources for sustainable development), [planetary boundaries](#), especially biodiversity loss & extinctions – [IPBES](#) report (up to a million extinctions threatened – rate of extinctions is tens or hundreds of times of any time in last 10 million years)

**Economic** include common heritage of mankind, economics associated with exploitation, effects on land-based.

**Environmental issues:** Many unknowns to date. Can not adopt rules, regulations, procedures without sufficient information on environmental impacts on the ocean to comply with 145, precautionary approach.

Must be achieved with transparency and accountability.

**If we do not: we must resolve the uncertainty before the rules, regulations and procedures are formulated, adopted and approved.**



**What  
information  
ISA Must  
Have**