

DOSI Intervention regarding item 10: Draft Regulations on exploitation of mineral resources in the Area: Fourth meeting of the Informal Working Group on the Protection and Preservation of the Marine Environment

DR55 - Purpose of Environmental Compensation Fund

Delivered 21 March 2023

Thank you, Madame Facilitator.

The Deep-Ocean Stewardship Initiative supports the intervention from South Africa on behalf of the Africa Group and Germany that more discussion is needed on the purpose of the Environmental Compensation fund. For example, the current reading does not make it clear whether the fund is only meant to be accessed to cover costs for damage caused outside of Contractors' liability.

Regarding paragraph 1's definition of "third party", DOSI wishes to raise the issue of scientists carrying out marine scientific research in the Area and other marine users whose activities may come into contact with ISA contractors. There is the possibility of exposure to losses or damage caused by ISA contractors, for example to vessels, high-tech equipment or ongoing research work. As currently drafted, we are not clear whether such third parties would be able to make a claim to the Environmental Compensation Fund if they are not able to recover damages from the Contractor. We consider this type of scenario planning may be helpful to ensure that the ECF covers all relevant events.

Further, we suggest adding "ecologically" as a qualifier to the "technically and economically" feasibility. Finally, DOSI reminds the Council that there is currently no scientific evidence that restoration or rehabilitation of the deep seafloor or the water column is possible, so inclusion of these terms is concerning. Thank you, Madame Facilitator.