

Consultation on the draft Strategic Plan for the International Seabed Authority for the five-year period 2024-2028.

First of all, Ifremer would like to thank the Authority and the Secretariat for organising the consultation on the draft Strategic Plan for the ISA.

General questions

1. Does the Draft Strategic Plan for the period 2024-2028 clearly encapsulate the mandate and responsibilities set out for the Authority by the Convention and the 1994 Agreement?

Yes, the draft Strategic Plan clearly captures the mandate and responsibilities of the ISA. We would however suggest that changes are made to better reflect the equal importance of the mandate related to the preservation and protection of the marine environment in comparison to the part related to the organisation of the activities and exploitation of the mineral resources of the Area. In light of the existing knowledge gaps on the biodiversity, ecosystem functioning, potential impact of the exploitation of the mineral resources in the Area and of the contribution of the deep ocean to global processes in the context of global changes (e.g. climate change, biodiversity loss), improving our knowledge and adopting very robust environmental rules and objectives should be amongst the key priorities of the Authority and its stakeholders. The goal is thus to gather enough reliable scientific data and information on deep-sea ecosystems, on their resources, their biodiversity and the services they provide, as well as on their resilience to different types of disturbances before deciding about the principle and conditions of either their possible exploitation or their conservation. This will ensure the right balance is achieved between the various objectives of the Convention and that activities in the Area can be conducted with effective protection for the marine environment from harmful effects which may arise from such activities (Convention, art. 145).

Specific observations and suggested changes to reflect our comment are made in responses to the other questions below.

2. How do you think the Strategic Plan and associated High-Level Action Plan have contributed to fulfil the mission of ISA (as per the mission statement)?

We are in agreement with the report on the review of the implementation of the Strategic Plan of the ISA for 2019-2023 in that the Strategic Plan and associated HLAP have been positive developments in providing a clear framework that helped prioritise and deliver on the missions of the Authority.

3. To what extent do you think the work of ISA provides a useful model for sustainable management of the global commons as Steward of the Area and its resources?

The work of the ISA, its member states and stakeholders has shown the ability to develop a regulatory framework and to manage the activities of the exploration phase in a multilateral approach. Achievements and challenges faced since the establishment of the ISA also provide useful experience and lessons learned for the effective and sustainable management of the common heritage of humankind. Being able to have additional States joining the ISA would be an important objective to further strengthen the multilateral management of the Area.

4. What should be the priorities of the Authority for the next five years?

As alluded to in response to question 1 above, progressing on the strategic direction 3 “protect the marine environment” should be amongst the top priorities of the ISA for the next five years. Within the 5 strategic directions proposed for SD3, an objective should be to develop clear environmental policy, objectives as well as evaluation criteria and thresholds which will be essential for environmental management and to assess Environmental Impact Assessments both in

exploration phase and future exploitation phase. This priority comes hand in hand with continuing the work related to promoting and encouraging marine scientific research in the Area as improving our knowledge is essential.

Pursuing the development of the rules, regulations, procedures and standards related to the exploitation phase is also amongst the top priority of the Authority to ensure a robust mining code is developed addressing all aspects of the ISA mandate and providing a strong level of environmental protection of the common heritage of humankind.

Specific questions

5. Does the “*Mission Statement*” (unchanged from the first strategic plan) continue to accurately reflect the mandate of the Authority?

Although the mission statement reflects the mandate of the Authority, it may not fully reflect the lack of knowledge of the deep-sea environment and of the potential impact of exploitation as well as the gap in understanding the contribution of the deep ocean to global processes. As stated above, filling this gap and conducting the necessary research should be a priority to inform the future decisions and ensure that the right balance is achieved between the various objectives of the Convention.

6. How do you consider that the context and challenges identified remain relevant? Should there be any new elements identified?

All the context and challenges identified remain relevant.

The document clearly identifies the importance of marine scientific research in the responsible management of the oceans and their resources and as such a clear link with the “Environmental protection” section of III. could be made by indicating that the process of developing an environmental policy and regulatory framework, along with regional environmental assessments and management plans (III. 13. and 14.), will seek inputs from the scientific community and will be based on the best available scientific evidence.

The Strategic Plan should also identify the global changes (such as climate change, biodiversity loss, pollutions etc.) and the role of the Oceans, and impacts of these changes on the Oceans, as part of the context. These global changes will have impact on numerous aspects of the Authority’s mandate and should therefore be taken into consideration in its work and strategy. In addition, Climate change and its impacts should also be added to the context and challenges in regards to the required transition to a decarbonised economy as this will also impact the way the ISA operates and reduces its own carbon footprint. A dedicated Strategic Direction should be added in relation to the assessment of the ISA carbon footprint and in setting its trajectory and strategy (which could be a broader ESG strategy) to reduce it.

7. Are the “*Results and Priority Outputs*” appropriate and is there a clear link between the “*Strategic Directions*” and the “*Results and Priority Outputs*”?

Based on the assumption that the “Results and Priority Outputs” mentioned in the question refers to the “Expected outcomes” section of the draft Strategic Plan, the expected outcomes seem appropriate and clearly relate to the Strategic Directions. The section should be updated to reflect some of the comments made above;

8. Are there any specific observations or comments that Member States and other stakeholders wish to make in connection with any other aspect of the Draft Strategic Plan for 2024-2028?

You will find here below Ifremer additional specific observations on the draft Strategic Plan:

- To be consistent with a more contemporary wording, used for example in the “BBNJ” agreement, “mankind” could be replaced by “humankind” across the document.

- I.4. the guiding principles related to the effective protection of the environment and the application of the precautionary principle (4.(e); 4.(f); and 4.(i)) should be brought forward either after the existing 4.(b) or 4.(c).
- I. 4. (g): “To provide public access to environmental information” could be expanded to “... and to all non-confidential data”. This would be consistent with the wording used in SD 4.4. Reference could also be made to ensure that data provided is FAIR. In regards to public access to data, we would like to commend the ISA for the work done to date with the Deepdata database and feel that the additional work required to further improve the database, based in particular on the suggested improvements made in *Rabone et al., 2023* should explicitly form part of the strategy.
- I. 5.: As per our response to the other questions above, the preservation and protection of the marine environment is central to the ISA mandate as defined by the Convention. This is clearly emphasised in item 14 which states “It must satisfy the extensive marine environmental protection requirements of the Convention”. As such, we suggest to explicitly add a new 5. (b) before the existing one. Proposed wording of this new 5.(b): “The Convention, and in particular article 145 which states inter alia “Necessary measures shall be taken in accordance with this Convention with respect to activities in the Area to ensure effective protection for the marine environment from harmful effects which may arise from such activities.”
- 27. Strategic direction 2.2. : add “to ensure effective protection for the marine environment from harmful effect” between “environmental management” and “and are underpinned...”.
- 28. Strategic direction 3.1.:
 - o delete “progressively”, which could imply that there is a lower level of priority for this aspect than for the rules & regulations defined in SD2.1, and add “adopt” in a consistent way to the terminology used in SD2.1 to have “Develop, adopt, implement and keep under review...”.
 - o Although this would apply to all other rules, regulation and regulatory framework that the Authority is developing or will be developing, the qualification of “practical and technically feasible” is only used in SD3.1 for the environmental regulatory framework. Wording should be revised to avoid a misinterpretation that the regulatory framework would somehow be of lower importance than other parts of the legal regime developed by the ISA.
- 28. Strategic direction 3.2: we suggest amending the wording to include the definition of environmental objectives, evaluation criteria and thresholds in the development of regional environmental assessments and management plans.
- 28. Strategic direction 3.3: as per our response to question 6 above, the scientific input from the scientific community could be made explicit in addition to the reference to participation by stakeholders.