

Informal intersessional Group on the standardisation of Stakeholder Consultation – Oral Report to Council (UK)

Introduction

- Thank you, Madame Facilitator and good morning colleagues. As coordinator, we are delighted to introduce the work of the informal intersessional group on a standardized approach for Stakeholder consultation and to provide a short overview of the outcomes.
- As a reminder, the group's overarching objective has been to ensure a clear and consistent process that provides for effective consultation with all Stakeholders in a transparent and open manner.
- Following expressions of interest at the March Council Session, membership of the group has now expanded to 25 Members and Observers and we are hugely grateful to all those that have given their time to support the work. On working methods – the group met twice virtually during the intersessional period, on 20 April and 17 May, exchanging constructive views on a range of issues. Further input was invited through rounds of written comments to prepare the outcomes report for 1 June – the group did not submit a redraft of the text proposal submitted to March Council as there was not yet consensus on edits to that draft. Again, we would like to thank the members of the group for their valuable contributions.

Areas of focus

- Although the group considered a number of issues and questions related to Stakeholder consultation in the Regulations, we focused on three core areas:
 1. The stages at which consultation should be required
 2. The core elements of a standardised consultation process
 3. An approach to identified 'key' stakeholders, including coastal States

Outcomes

- Stakeholder participation is a fundamental principle of the regulations, as laid out in DR2 and DR44. Consultation is one form of participation which this group is focussing on. Some group members suggested developing a standardised approach to public participation overall. Other group members noted that public participation in the work of the Authority (e.g. representation of observers at Council), while important, is a more fundamental institutional issue and better provided for in high-level documents, such as the Rules of Procedure for the organs of the Authority, and therefore outwith the scope of this group. The group continues to focus on Stakeholder consultation, but is aiming to ensure fundamental principles of participation, including transparency and inclusivity are integrated into the standardised approach to consultation.

- Stakeholder consultation, including the public, is required to be undertaken by the Authority to inform their decision-making when the Environmental Plans, Scoping Report and Performance Assessments on EMMP implementation are submitted by the applicant to the Authority. This includes all reviews made to such documents during the contract term, including those required due to Material Changes.

The general policies for such consultations are to be covered by DR93bis once drafting finalised by the group. The key policies to cover include where consultations are hosted, the time for which they are open, and how they are conducted, including which party is responsible for each stage of the consultation process.

- Additionally, the group agreed there was a need for consultation to be undertaken by the applicant/Contractor during the development of Environmental Plans. The group is currently proposing to categorise such ongoing consultations on the development of draft documents that take place outside of the consultation under DR93bis as 'engagement'. This would require the contractor/applicant to undertake additional, more flexible consultation than what is required under DR93bis. Members of the group strongly propose it should be mandatory to conduct this 'engagement' with at least Coastal States and other identified key Stakeholders, and the group recommends the requirements for such engagement should be considered in the round by the working group on DR4 on Coastal States.

Areas for further consideration

Although the group has made positive progress towards developing a standardised approach to Stakeholder consultation, there remain several areas for further consideration, including:

- Defining stakeholder 'engagement', including identifying the core elements that need to be detailed to support best practice and robustness of process, whilst retaining additional flexibility and avoiding duplication of full Stakeholder consultation under DR93bis.
- Determining how best to define 'key stakeholders' and how they should be identified and engaged as part of the consultation process.
- Identifying the content of any accompanying Standards and/or Guidelines on Stakeholder consultation.
- Maintaining a watching brief on discussions regarding documents that may require frequent review and consultation (including Performance Assessments and Closure Plans) to ensure they remain compatible with full Stakeholder consultation under DR93bis.
- Coordinating with the IWG on Coastal State Obligations to ensure coastal States consultations are integrated holistically into the broader discussions taking place on coastal State obligations.

The UK notes that we produced an annex containing all references to Stakeholder participation and consultation, as well as a flow chart showing the current process for Stakeholder consultations in the

draft regulations. We will be using these documents again to assist our discussions in the group moving forward, and encourage delegations to use these documents to help visualise the process and timings in discussions moving forward.

Next steps

- We are in your hands Madame Facilitator as to how you would like to proceed, but we consider that there is further work to be done and we would be happy to continue to coordinate the group during this next intersessional period.
- We will be reaching out to the group via email this week to test appetites for an in-person meeting next week to make best use of our time together.