



ITEM 10: Draft Regulation 2 “Principles, approaches and policies”

Deep Sea Conservation Coalition intervention

20 March 2024

On behalf of DSCC, Greenpeace, Ocean’s North, The Ocean Foundation, WWF

As a general comment: we concurred with a number of delegations on Monday in respect to concerns over the process of negotiation based on the consolidated text. We are concerned that negotiation of the text as it stands now will not allow for a thoughtful approach to considering proposals and an inclusive discussion.

With respect to DR2 it must set out the fundamental principles that underpin the ISA’s deliberations and decision-making. This means including principles in this Regulation, and calling them Fundamental Principles, as was the term used in earlier drafts. The inclusion of the term ‘policies’ implies that the elements of this regulation can be weighed against each other; whereas principles, such as the precautionary principle, must be applied no matter the other factors at play. We also emphasize that the obligations of Articles 145 and 192 must be implemented - they are not weighed against economic interests.

Secondly it fails to acknowledge fundamental international principles and commitments for halting and reversing, or otherwise preventing, biodiversity loss or preventing degradation of marine ecosystems - two key elements of inter alia the 2012 Rio+20 outcome document; 2030 Sustainable Development Goal 14.2 and decisions adopted by CBD COP-15 in 2022. We are also concerned with the deletion of proposals related to the protection and preservation of the marine environment including those related to conditions under which exploitation shall not commence, as well as questions of public trust and conflicts of interest, namely the former paragraphs 3 and 6. A further principle that must be respected and implemented is the duty to safeguard and protect indigenous cultural values and to obtain the free, prior and informed consent of such communities and individuals. Obtaining a broader understanding of the role of deep-sea in regulating global planetary processes through dedicated marine scientific research should also be a fundamental principle under which the ISA operates for the benefit of humankind.

These issues all require thoughtful consideration, debate and negotiation by all member States in relation to any future decisions on activities in the Area in relation to the obligation to act on behalf of, and for the benefit of, humankind as a whole, itself a fundamental principle and obligation under which the ISA is required to operate.

Finally, apropos our comments on international commitments, we were encouraged by the proposal by Australia regarding ‘future proofing’ to the effect that exploitation should not be permitted to impede the implementation of other international frameworks and agreements. We would urge the proposal be given due consideration as per the comments from Germany, Portugal, FSM, Netherlands, Denmark and others.

END