

IUCN Statement

ISA 29th Session of the Council – First Part

Delivered on 27 March 2024 – agenda item 10

Conceptual topics related to the environmental matters: Thematic discussion on REMPs

Thank you, Madame Facilitator,

As this is the first time our delegation is taking the floor in this informal working group on the environment, we would like to reiterate our full support to you and record our appreciation for your very capable facilitation.

On REMPs, the International Union for Conservation of Nature and Natural Resources, IUCN, would like to recall its [intervention from the July 2022](#) meeting of the Council in this informal working group, in which we stressed that “a plan of work for exploitation cannot be considered in areas where a Regional Environmental Management Plan has not been adopted.” Our delegation also cautioned that “each REMP and the appropriate protection and conservation measures adopted within these REMPs must be robust and informed by science.”

IUCN also underscored therein the need for REMPs to be utilised as an instrument that ensures conformity and harmony with other users of the marine environment. In particular, we highlighted the role of REMPs in ensuring coherence between the work of the Authority and other regulatory or governance bodies and regimes.

REMPs present member states with an excellent opportunity to ensure coherence between the work of the Authority and the forthcoming BBNJ regime, which we congratulate many states for signing on and record our appreciation to those states that have already ratified it or are in the process of doing so. As pointed out in a [recent paper](#) in the American Journal of International Law, member states must ensure that the Authority, in allowing contractors to mine, do not undermine multilateral ocean conservation efforts and ambition agreed upon and undertaken elsewhere.

Madame Facilitator,

We now turn to answer the questions posed in section 5 of the [facilitator’s briefing note](#).

1. To the first question, our delegation is of the view that REMPs contain regional goals and objectives that applicants and contractors would need to give effect to in their respective plans of work and through environmental plans like the EMMP and EMS. That said, we wish to note that there is no satisfactory equivalent to monitoring at the contract level with ISA monitoring at the regional level. Our delegation notes Article 165 (2) (h) of UNCLOS, which foresees the “establishment of a monitoring programme to observe, measure, evaluate and analyse, by recognized scientific methods, on a regular basis, the risks or effects of pollution of the marine environment resulting from activities in the Area”. IUCN suggests that REMPs be expanded to go beyond regional environmental management and to include an additional regional environmental monitoring component. Our delegation is available to contribute to discussions to this end.

2. To the second question, our delegation believes that REMPs are instruments that contain many components that must be given legal effect through the rules, regulations and procedures of the Authority. These key components must have binding implications on the Authority and its organs, as well as on contractors and their sponsoring states. We are concerned that if not given legally binding status, requirements under REMPs would be optional and can be simply ignored. We consequently align with the views expressed today by the African Group, the UK, Germany and others in this respect, and we agree with the proposals by Ireland, as well as the Netherlands in their interpretation pertaining to DR 44 bis and Switzerland in their interpretation pertaining to DR 44 ter. Finally, as IUCN noted in our July 2022 intervention, if key components of REMPs are not given legally binding status, and if the protection and conservation measures therein are ineffective and seek to prioritize commercial exploitation interests ahead of the environment, then REMPs may be more aptly called “regional mining management plans” instead, as opposed to “regional environmental management plans”.