

Report of the chair of the Legal and Technical Commission on the work of the Commission at its twenty-sixth session ([ISBA/26/C/12](#); [Add.1](#)) – In particular add. 1 :

Report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its twenty-sixth session

STATEMENT:

Belgium would like to express its appreciation to the Chair for his comprehensive report on the work of the Legal and Technical Commission during its twenty-sixth session. In particular, we thank the Legal and Technical Commission to have adapted its working methods by organizing many online meetings. We thank also the LTC for its assessment of the current and future needs for specific areas of expertise of the next Commission and the suggestions provided to the Secretary-General.

We would like to make the following comments regarding this report and its addendum:

- 1. *Regarding the need for additional support to the Voluntary Trust Fund*, we note that the company sponsored by Belgium, GSR, contributes USD 6000 per year.

- 2. *Regarding the activities of the contractors, and in particular the annual reports of contractors:* We have read, very attentively, the paragraphs in this report under Chapter B addressing the annual reports of contractors. **Belgium welcomes** the acknowledgment by the Commission, in general, of some improvements, such as the international cooperation (para 9) and the progress in the collection or analysis of data (para 12). It goes without saying that this last improvement will be very important to build up baseline data to support a performant environmental impact assessment for an exploitation contract application.

However, whilst, according to the report, “a number of contractors had improved the quality of their survey design, sampling distribution and replication”, we have been struck by the “ongoing questions about whether enough was being done for the baseline studies”. **This is worrying**, because it casts doubt on the convergence between the ambitions of some contractors and their willingness to live up to the requirements to realize these ambitions, not the least with respect to the environment. We cannot make concessions on the quantitative and qualitative baseline data needed for conducting future environmental impact assessments. **In other words, having these data available is a condition sine qua non (not a sufficient condition) for conducting such an environmental impact assessment. And thus, for obtaining the approval of a Plan of Work for exploitation.**

Therefore, **Belgium strongly agrees with the recommendations made in the last para, para 14, of this chapter**, to build up the baseline data “to a level sufficient to support a robust environmental impact assessment”.

3. Regarding the regulatory activities of the Authority, and in particular the outstanding issues with respect to the draft regulations on the exploitation of mineral resources in the Area:

Belgium **agrees with the recommendations** made by the Commission in para 18 of document ISBA/26/C/12/Add.1. In order to timely implement the recommendations adopted by the Council, a **timeline for the development of these issues** should be integrated in the Council planning for the coming years. This will have to be coordinated with the planning for the other Council deliverables, including the Roadmap for the adoption of the Exploitation Regulations.

We also want to pick up the recommendation in the next para 19 that “the Council considers whether the **Economic Planning Commission should be operational** before the approval of such a plan of work for exploitation”. Our point of view on that is very clear: **we agree**. We agree, first of all, because the issues described in the recommendations mentioned in para 18 would benefit from being addressed by a Commission consisting of members with appropriate qualifications, including at least two members from developing States whose exports of the categories of minerals to be derived from the Area have a substantial bearing upon their economies. They would also benefit from being addressed by a Commission endowed with the functions to exactly address that kind of issues. This would be fully in line with article 164 UNCLOS.

But, secondly, we also agree to consider the establishment of the Economic Planning Commission because this would relieve the Legal and Technical Commission, which is, as you all know, currently fulfilling the tasks of the Economic Planning Commission. That would help the latter to focus on its main and many tasks.

Report of the chair of the Legal and Technical Commission on the work of the Commission at its twenty-sixth session (REMPs) ([ISBA/26/C/43](#)) - Review of the implementation of the Environmental Management Plan for the Clarion-Clipperton Zone

STATEMENT:

Belgium wants to thank the Commission for this review report of the overall progress in implementing different elements of the environmental management plan for the Clarion-Clipperton Zone. **This Environmental Management Plan is a key instrument in the management of the Clarion-Clipperton Zone** (and this is or will be the case for the other zones as well). The reason for this importance is very well described in para 34 of the Plan, which reads that the Plan adopts “a holistic approach to the environmental management of the Clarion-Clipperton Zone in its entirety, including, where appropriate, consideration of cumulative impacts, incorporating environmental risk assessments of new and developing technologies, while giving due consideration to relevant global initiatives and new legislation”.

In order to enhance the effectiveness of the network of areas of particular environmental interest, **Belgium agrees with the addition of four areas of particular environmental interest**, as recommended by the Commission. This brings the surface of the APEIs in the Clarion-Clipperton Zone at nearly 2 million square kilometers, which equals 44% of the area. This is significantly more than the 30% pursued for the oceans worldwide.

Belgium would like once more to draw the attention to para 34 of the Plan, in which new legislation is mentioned explicitly as a factor to be duly considered in the environmental management. Since we are approaching the finalization of the so-called Exploitation Regulations, which can be considered as an important new piece of legislation, **we invite the Council to specify the need for another review during the coming year** to develop other aspects of the plan, such as region-specific thresholds, indicators, research plans, etc. And thus, to be fully in conformity with the requirements set by the Exploitation Regulations.