



## **Item 11: Draft regulations on exploitation of mineral resources in the Area**

### **Part XI: Regulations 96 to 105**

#### **3<sup>rd</sup> Meeting of the Informal Working Group on Inspection, Compliance and Enforcement**

##### **Draft Regulation 96 Inspections: general**

**Delivered on 31.10.2022**

Thank you, Madame Facilitator,

As this is the first time the Deep-Ocean Stewardship Initiative has been given the floor, please allow us to thank and congratulate you on the intersessional progress made on this important document.

With regard to **DR 96 Para 5 (b bis)** which details the provision of reasonable facilities, including where appropriate, food and accommodation, to Inspectors, DOSI would like to support the addition of an express reference regarding the provision for safe and inclusive working environments of inspectors while on board. We acknowledge the reference to intimidation under **DR 96 Para 5g** but would suggest rephrasing to expressly link these questions to the overarching physical and psychological well-being of inspectors. Most of these mineral-related activities will require participants, including inspectors, to spend continuous weeks to months on ships at sea, often great distances from the nearest landmass and manifesting in inevitable isolation, and where unfortunately harassment, bullying, and discrimination are rife, which may especially be the case for inspectors. We also recommend that the ISA require contractors to have in place appropriate practical measures to safeguard the wellbeing of all persons on vessels, including non-crew and non-employees, such as inspectors and trainees.

We also support The Pew Charitable Trusts and Costa Rica with regard to **DR 96 Para 5f** and the deletion of words “where required by the Secretary-General/Inspectorate” as real-time monitoring would always be required.

Thank you, Madame facilitator.

**Draft Regulation 102**  
**Vessel notification, electronic monitoring, and data reporting**

**Delivered on 01.11.2022**

Madame Facilitator,

In the interests of efficiency, I am making this intervention on behalf of two observers, the Deep-Ocean Stewardship Initiative and the Pew Charitable Trusts.

On behalf of our delegations, I would first like to extend our condolences to India and the Republic of Korea on the terrible recent events.

With regard to **DR 102 Para 2**, it is unclear what the definition of ‘mining vessels’ is. DOSI and the Pew Charitable Trusts consider ‘Installations, vessels and mining collectors involved in Exploitation activities’ a more comprehensive formulation. This will include, for example, vessels at the mining site from which autonomous vehicles or monitoring equipment are deployed by the Contractor, but which are not the vessels receiving the mined ore.

We support the comments by the UK on the conflation of two issues and recommend splitting paragraphs on vessel positions and environmental monitoring. We also support the comments from Sierra Leone on behalf of the African Group and Belgium and suggest a separate subparagraph to require Contractors’ vessels to be fitted with a satellite tracking system - the Automatic Identification System required by IMO. A clear statement of requirement would cover all vessels engaged in mining activities. This is separate from an electronic monitoring system designed to provide data about the mining activities.

We also recommend amendments to the text that facilitate the real-time independent monitoring of information on mining activities, environmental data, and positions of all mining vessels at all times, and thus remove the text ‘where technically feasible’. As evidenced from the monitoring of the nodule collector test carried out in the Belgian and German contract areas in the Clarion-Clipperton Zone in 2021, such independent monitoring is technically feasible. These data should be available to the Inspectorate and all stakeholders in real time. This will facilitate analysis of the monitoring data and enhance the transparency of this industry in remote environments.

Finally, we support the comments by Costa Rica suggesting **DR 102 Para 2.bis** be expanded to include other impacts of deep-seabed mining such as, but not limited to, chemical emissions, introduction of other pollutants, and light.

Thank you, Madame Facilitator.

**Draft Regulation 103**  
**Compliance notice, suspension and termination of exploitation contract**

**Delivered on 01.11.2022**

Thank you, Madame Facilitator,

Regarding **DR 103 Para 5**, the Deep-Ocean Stewardship Initiative suggests that more specificity is added to the number of warnings that can be given. The current reading of '*one or more*' warnings is unclear and could suggest that an unlimited number of warnings can be given to a Contractor that fails to comply with the Inspectorate compliance notices.

Many thanks.