



**Item 14: Report of Chair of LTC ISBA/C/16/Add.1 released 25 July 2022  
(Delivered on 26.07.2022)**

Thank you Mr President,

The Deep-Ocean Stewardship Initiative, like so many delegations before us, thanks the LTC for this important report as well as the substantial amount of work undertaken in the last few weeks as well as intersessionally.

DOSI has a number of concerns, and wishes to begin with paras 4-6 of subsection B of section II. DOSI wishes to congratulate the ISA on the 31 training placements provided for the benefit of candidates from developing States. We recognise the importance of addressing disparities in capacities to undertake open-ocean, deep-ocean, and high-seas scientific research. However, DOSI wishes to caution the ISA that treating these training placements as successful outcomes purely based on the 'number of participants' and their 'country of origin', regardless of the reality of their experience, is, in fact, tokenism. Instead, we urge the ISA, as we did last week, to put in place an integrated framework to support inclusion and safety for underrepresented groups and to consider participants' wellbeing during these training placements, whether at sea or on shore.

With regard to Section II subsection D paragraphs 19 to 22, DOSI echoes the concerns of many States with regard to non-compliance by contractors. We query what specific actions, if any, can be taken to promote compliance regarding environmental baseline studies and reporting requirements. DOSI also, once again, requests access to this environmental data and will be grateful for an update on any improvements to DeepData given it was launched since 2019 but is still limited in functionality. The accessibility of data collected by contractors in the Area is essential for independent and regional analyses, so we hope for quick resolution to these matters, including a data quality control system, the integration of this platform with global observing efforts and adoption of best practices, interoperability, and accessibility.

With regard to Section VI, we note a working group, set up by the LTC, worked intersessionally to review the 'recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area'. We note that the review was specifically to reflect the importance of stakeholder consultation. However, to our knowledge, there appears to have been no stakeholder consultation on this revision by the LTC. It is unfortunate that the LTC keeps revising this important guidance document without giving any opportunity for external feedback. Indeed, a newly published paper in the journal Environmental Impact Assessment Review journal [with several DOSI members as co-authors] highlights various flaws in this current process. We also heard similar concerns expressed by many delegations during the informal Council discussion about test-mining just yesterday.

This is also relevant to the points covered in the LTC Chair's report, Section VII, paras 42-47 relating to the Environmental Impact Statement submitted to the ISA by contractor NORI for testing of a prototype polymetallic nodule collector in the NORI-D contract area. DOSI welcomes the increase in our understanding of the environment



via their EIS. However, DOSI regrets that no additional consultation period was held after NORI substantially revised their original EIS.

Further, while DOSI appreciates the decision of the LTC to request a more substantive environmental management and monitoring plan for NORI's collector test before continuing its consideration, we would like to express further significant concerns beyond this particular shortcoming. DOSI undertook a scientific review of the revised EIS, focusing on the biological information, with key points available in our new information sheet which is available in each negotiation room. To summarize, the EIS is still inadequate for its purpose to be able to anticipate, avoid or minimize the harmful environmental effects of mining activities, and to protect and conserve the marine environment. The quantity, quality and uncertainty of the presented information continue to impede the proper assessment of the associated risks.

Finally, we note the report states "The results of the review by the Commission were sent to NORI on 15 July, with a 30-day period for their response". We note the earlier intervention by Nauru that the LTC will receive additional information on the monitoring programme by the end of this week. DOSI therefore would like to seek clarification on how and when the LTC will review this new information when it is not scheduled to meet for the next few months. Moreover, we would like to ask if there will be consultation based on this new information. This is important because, if otherwise, it would be easy for contractors to circumvent the EIA process by submitting a substandard EIS at first, and subsequently submitting a revised EIS or additional information to the LTC, that is then not open to consultation. We note the urgency of decisions on this matter as planning of ship operations for NORI's mining test appear to be underway with the test scheduled to take place, we hear, at the end of August.

DOSI is seeking clarification on what the next steps are in the EIS process. It is our understanding that the LTC does NOT formally have powers to approve or reject an EIS, and the Council is not involved in this decision-making process. This is problematic and not in line with best practice. In order for an EIS to function as an important environmental management tool, the regulator should have the power to reject an EIS and the regulatory framework needs to clearly specify this. We would welcome information about next steps for NORI's EIS.

Thank you Chair.