

DSCC: Item 13: Regional Environmental Management Plans (REMPs)

As we noted earlier, our understanding of the marine environment, its species, ecosystems processes and connectivity is at an early stage. The Seabed Disputes chamber emphasised the obligation for the sponsoring State to apply a precautionary approach in ensuring effective protection of the marine environment. As the UK noted, there are still some habitats unrepresented in APEI system. It is unacceptable that regulations could allow exploitation to start when such gaps still exist.

Scientific concerns are also emerging on the effects of deep-sea mining activities on fish and fisheries, including through sediment plumes, and REMPs need to take account of these as well. Climate impacts likewise need to be taken into account, as DOSI has just noted, as well as cumulative impacts, as Earthworks observed.

Where a REMP cannot, taking into account the precautionary principle, show that the environment can be effectively protected, they cannot be used to justify the commencement of exploitation. In other words, they are necessary but not sufficient.

We join Earthworks and note that loss of biodiversity is unacceptable, and we cannot contemplate adopting regulations, standards and guidelines when we cannot ensure the effective protection of the marine environment.

Finally, Mr President, workshops have been referred to by a number of delegations and they are an important method used by the Authority in developing REMPS and other policy. But they are all too often conducted without transparency, closed to observers and with hand-picked participants. Transparency must apply to all organs of the ISA including the LTC and its workshops. Likewise, REMPs should not be presented to the LTC before they are opened to a public consultation process.

Thank you Mr President

Item 13 Report of the Chair of the LTC (morning)

Thank you Mr President

We refer to the LTC report ISBA/26/C12/add.2 in paragraph 40 and the comments made by the UK this morning.

["On 30 September, the Commission took note of the environmental impact statement from Nauru Ocean Resources Inc. (NORI) regarding its plans to carry out testing of a polymetallic nodule collector in the NORI-D contract area of the eastern Clarion-Clipperton zone, in the Central Pacific Ocean. The Commission set up a working group to review the statement intersessionally and submit recommendations to the Commission at its following session, in 2022."]

Mr President, like DOSI and Pew, we submitted our comments on this EIS, and we share their concerns. We wrote to the Commission with our concerns about the NORI EIS, which intends to carry out a mining test in 2022.

We have four matters to mention.

Firstly, we believe that the S/G should not have submitted the EIS to the Commission since it was incomplete, lacking a crucial environmental baseline. The baseline is crucial to an EIS as the effects cannot be assessed if we do not know the environment that is being affected. We also believe that this failure underlines that we do not have enough information about the deep sea and its environment, species and processes even to undertake a test such as NORI wants, let alone deep sea mining in just over 2 years time as they propose. We concur with DOSI's recommendation expressed on Tuesday that the EIS should be withdrawn, revised, and re-submitted for re-evaluation once the significant gaps in baseline data are closed.

Secondly, we are deeply concerned that the Commission set up a working group to study the EIS even before consultations were concluded on November 19. We believe that this has uncovered a serious loophole in the public consultation process, where a sponsoring State can decide not to undertake consultation during the EIA phase, submit the EIS to the secretariat without consultation having been undertaken, then have the EIS assessed by the Commission even before consultation is complete.

We note that the Chair of the LTC indicated this morning that improvements in consultation processes should be initiated by the Council, and we encourage Council members to do that. And we endorse Pew's comments in this respect.

Third, we believe that it is unacceptable that the Commission at no stage is directed by the [Recommendations ISBA/25/LTC/6/Rev.1](#) to undertake a full substantive review: all they are asked to do is, under paragraph 41(h) is to undertake a review for "completeness, accuracy and statistical reliability". We believe that should be a general review.

Fourth, the Council never has an opportunity to review the proposed EIS so e.g. if it had a concern, there is NO point at which it can say 'this should be changed' or 'it shouldn't go ahead' We believe that procedures should be changed to give Council that power and that opportunity, not ONLY the LTC which right now gives the go-ahead to the contractor directly.

Finally, Mr President, we welcome Germany's request to the LTC, supported by Belgium, Costa Rica and Chile, to hold more open meetings in response to the 2017 request of the Assembly, designated the supreme organ of the Authority to which the other principal organs shall be accountable, under Article 160 of the Convention.

Thank you.