

International Seabed Authority
14-20 Port Royal Street
Kingston
Jamaica

Potsdam, 24 June 2021

To: ola@isa.org.jm

IASS Comments on the Draft Guidelines for the preparation of an environmental impact statement

Dear Madam/Sir,

The Institute for Advanced Sustainability Studies (IASS), which has had observer status at the Authority since 2017, is pleased to provide comments, as annexed to this cover letter, on the *Draft Guidelines for the preparation of an environmental impact statement*, open for public consultation until 3 July 2021 (<https://isa.org.jm/mining-code/standards-and-guidelines>).

We provide express consent for this document to be uploaded to the Authority's website and for wider dissemination. The following persons have contributed to this document: Dr Sabine Christiansen, Pradeep Singh, Dr Aline Jaeckel, and Dr Sebastian Unger.

If you have any questions, kindly contact us at Sebastian.Unger@iass-potsdam.de. We thank you for your kind attention.

Yours sincerely,

Sebastian Unger

Lead, Ocean Governance Research Group

Institute for Advanced Sustainability Studies e.V. (IASS)

TEMPLATE FOR COMMENTS

<i>Document reviewed</i>		
Title of the draft being reviewed:	Draft Guidelines for the preparation of an environmental impact statement	
<i>Contact information</i>		
Surname:	Unger	
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<i>General Comments</i>		
<p>Special protection areas: The EIS should have a dedicated section that clearly outlines whether the proposed mineral exploitation could affect marine protected areas or special conservation areas designated by any competent organisation, including Ecologically and Biologically Sensitive Areas (EBSAs), Particularly Sensitive Sea Areas (PSSAs), or Vulnerable Marine Ecosystems (VMEs).</p>		
<p>Iterative process: The Standard should specifically state that the production of the EIS and EMMP follow an iterative process. As the latest CODE Project report states: <i>“The publication of the submitted EIS and EMMP together does not appear to allow for an iterative process more typical of environmental assessments in extractive industries, in which the EIS evolves through consultations and produces an EMMP that is reflective of stakeholder input.”</i></p> <p>See <i>EIA Procedure in ISA Draft Exploitation Regulations - Sixth Report of the CODE Project</i>, Pew Charitable Trusts, Feb 2020, https://www.pewtrusts.org/-/media/assets/2020/03/sixth_report_of_the_code_project_v2.pdf</p>		
<i>Specific Comments</i>		
Page	Line	Comment
2	103	Suggest deleting the following: The EIS template <i>‘recognizes that details of methodology or thresholds are likely to be resource- and project-specific’</i> . This sentence is superfluous and presupposes the outcomes of ongoing discussions around who should set environmental thresholds and when. There is a strong argument to be made for thresholds to be region- and resource-specific but not project-specific. In any event, the guidelines should not pre-empt these discussions.
6	244	Suggest adding the following international agreements: <ul style="list-style-type: none"> - Convention on Biological Diversity - 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter

10	421	Suggest adding the following wording: “The Contractor should provide a comprehensive list of known and newly-described species in and around the proposed Contract Area as possible”, since a list of approx. 10% of species (i.e., the proportion probably known to science) could hardly be called comprehensive.
12	555	The Contractor needs to explain why a certain impact is regarded as unavoidable and might thus be treated as residual.
14	639	Suggest adding the following wording: “...(e.g., visual clarity reduction for feeding, adhesion to gelatinous plankton and subsequent flocculation leading to mass sedimentation of this plankton).”
16	759	The EIS template could include a description of any EIA process performed under the laws of the sponsoring state.

Comments should be sent by e-mail to ola@isa.org.im