

ISBA/26/C - item 12 : Draft regulations for exploitation of mineral resources in the Area – Roadmap (proposed for 2022 and 2023)

CONDITIONS: This statement is to be made after the presentation of the roadmap proposed in document [ISBA/26/C/44](#)

STATEMENT

Belgium would like to thank the Secretary-General for his report on the Status of the draft regulations on exploitation of mineral resources in the Area and proposed road map for 2022 and 2023.

The report of the Secretary-General reminds us of the **enormous work we have ahead of us**.

Although the process of development and consultation began in 2011, today, circa one and a half year before the well-know date of July 9th 2023, **the first real discussions on the draft text still have to start**. We acknowledge that during the last in-person Council-session, in February 2020, we have touched upon the draft text, but we didn't get much further than a round of general statements by Members and Observers.

We would like to recall that the draft text that has been submitted by the Commission in March 2019, was not completed yet, as it was also described by the Commission itself, since it contained 'specific areas in which further work will be required with the support of the secretariat and external consultants'. This draft text will have to be updated with that further work.

Having said that, numerous comments of Member States and observers, received since March 2019, have yet to be discussed and incorporated in the text, as appropriate. The way we will integrate these comments in our discussions, for instance with respect to the projection of these comments in a workable discussion text, still has to be sorted out.

With respect to the working method, the informal working groups have yet to be established. This will take some time. And, for good reasons, they cannot meet in parallel (see ISBA/26/C/11). How will we combine this prescription with an efficient treatment of the discussion text? This is only one of the many outstanding issues in relation to the way the Council will organize its work until July 9th 2023.

Belgium also wants to reiterate that the discussions on the draft regulations are only part of a broader package of issues to be addressed by the Council. The Council still has to adopt more than thirty Standards and Guidelines, a key instrument for the implementation of the Regulations. Many of these still have to be drafted. And what institutional structures should be established within the ISA, ahead of the finalization of the regulatory framework. What about the Enterprise, the Economic Planning Commission, the Economic Assistance Fund, an Inspectorate or other appropriate regulatory functions within the ISA? This debate will have to be held within the Council.

Thus, we have a lot of work on the Council-shelf, how will we organize ourselves?

Well, Belgium thinks that a **Roadmap should go along the following lines:**

- Ideally, meetings are held in person (the breezeways talks are invaluable), but **a hybrid format should be offered**. This would allow some experts based in home countries to follow the sessions online and give further instructions to the delegations participating physically at the sessions;

- The **workload has to be realistic**. Holding three Council meetings with a duration of three weeks each in 2022 is on the edge, if not beyond. This is already difficult for a moderate delegation as the Belgian one, not to speak about much smaller delegations. It is important for us that the delegations from every member state can take part to the meetings.

And as many legal uncertainties of the following steps to be taken remain, Belgium would also like to invite **the Council to consider the idea to submit a request for an Advisory Opinion to the Seabed Disputes Chamber**, according to article 191 UNCLOS and the other applicable rules. Such an Opinion would give us a stronger basis to organize the Council work in a proper way and to prioritize the various tasks.