

**Meeting of the Council of the International Seabed Authority  
27<sup>th</sup> Session, Part II (July 2022) – Informal working group (Environmental)**

**Intervention by the IUCN (25 July 2022, Morning Session)**

**Draft Regulation DR48bis. Test mining**

IUCN takes the floor to express support for DR48bis. Our delegation is supportive of the view that commercial exploitation should not be allowed to commence until the proponent is able to demonstrate its ability to manage the ensuing environmental effects in keeping with the need to ensure the effective protection of the marine environment. DR48bis is useful in this respect.

Compulsory test mining not only shifts the burden and requires the proponent to demonstrate to the satisfaction of the Authority its ability to effectively manage the impacts arising from its mining operations, but it also helps to allow for a better understanding on the extent of potential environmental impacts and verify predictions made by models.

It further provides the opportunity to generate useful data that is critically needed by the Authority to effectively function as a regulator, without which, the Authority would be unable to adopt necessary measures to ensure the effective protection of the marine environment or set appropriate environmental thresholds and standards.

It is important to bear in mind that while performing a component test with a prototype that is some 20% of the size of an actual collector over a brief period of time may assist the contractors to gauge their technical and operational feasibility, it will shed little light on the potential impacts of large-scale commercial mining.

As we made clear during the February 2020 meeting, IUCN believes that all test mining activities should already be conducted *in situ* during the exploration phase. Indeed, *in situ* knowledge would be necessary as the characteristics of the deep sea may vary within a particular region as well as within a contract area. This is essential to provide crucial information for deciding whether or not an eventual application for exploitation should even be considered, let alone be approved.

Still on DR48bis, we wonder if and how this provision would apply to a situation where an applicant for the exploitation plan of work was not the main contractor that carried out the exploration work and any testing activities at that phase. We ask this because we think it is crucial for the contractor that will actually carry out the exploitation activities to be the one to successfully demonstrate its ability to manage the environmental impacts of its operations. It seems likely that two different entities

using the same extraction techniques and technologies may have different capacities to manage the environmental harm arising therefrom. Further, we are also uncertain if DR48bis speaks to test mining activities that may take place in the exploitation phase, that is to say, before commercial production, and how this should be regulated.

Madam facilitator, before we conclude, our delegation must stress that test mining is mining, and hence, must be placed under close scrutiny. Results from test mining should feed into the Environmental Plans for exploitation, and importantly, the Authority must be in the position to disapprove an application for a plan of work for exploitation or to disallow a contractor from moving into commercial production if the results from prior testing is not satisfactory from an environmental perspective.

In conclusion, IUCN suggests that DR48bis could go further by requiring: 1) details relating to the need for *in situ* testing and full systems testing; 2) the need to possess sufficient baseline data prior to testing; and 3) an indication on the scope and duration of testing, and importantly, monitoring. Without specifying such details, the intention behind DR48bis may be circumvented. Our delegation has some text proposals to strengthen DR48bis, which we will submit in writing.

Thank you, Madam Facilitator.