



TONGA INTERVENTIONS TO PART 1 OF THE 25TH SESSION OF THE COUNCIL OF THE ISA

Intervention 2 : Standards, Guidelines and Key Concepts

1. Standards and guidelines

The development and review of standards and guidelines under the exploitation regulations will remain vital in informing activities in the Area. We thank the Secretariat for the note contained in ISBA/25/C/3 and highlight the need for these standards and guidelines to be in line with the Convention, but also to be flexible and adaptable to the evolution of this industry in all respects.

The list of priorities set out in Tables 1 and Tables 2 of the Annex to ISBA/25/C/3 is a good starting point for the Commission to work on. On the content and process for development of the standards and guidelines, we wish to offer the following thoughts for the Council's consideration:

- (a) Drawing on existing generally acceptable international standards and guidelines from parallel industries will be useful at this point in time, particularly those highlighted in paragraph 5 of C/3 to inform the development of the standards and guideline.
- (b) On the issue of standard setting, particularly as it relates to environmental performance standards, it is crucial that the overarching objectives or benchmark for such standards remain in the draft regulations.
- (c) Recognizing that the industry is an evolving industry, there is a need to also determine the best available demonstrated control technology particularly as it relates to pollution from activities in the Area.
- (d) It will also be useful to draw on what is readily available to the Authority, which are the respective national legislation on deep seabed mining and perhaps the study which the secretariat will undertake on national legislation and the approaches to standard setting and development in each case.

2. Workshop in Pretoria

On the workshop in Pretoria in May, my delegation supports this technical workshop which will take place and the proposed areas of focus for the workshop and hope we might find the means to attend and contribute to the discussion. In so saying, we look forward to receiving the terms of reference in due course. We note the outcome for the workshop will be received by the Commission and we would find value, if the outcome or the report of the workshop will be made publicly available for the benefit of those of us who may not be able to attend.

3. Key concepts

We take note of the important issues raised in ISBA/25/C/11 in connection with various key concepts. We also recognize the importance of maintaining the distinction between the key concepts of "good industry practice" and "best environmental practice", which we fully support. In relation to the definition of "good industry practice" including "best environmental practice" in the definition, remains essential, in addition to having a separate regime on best environmental practices. At this point in time, in addition to the questions raised for the Commission to consider,



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the Commission may need to consider the additional guidance needed to determine what falls within the benchmark of these concepts, but also ensure that the guidelines developed are not duplicative of guidelines to be developed relative to this concept, throughout the draft exploitation regulations.