



## TONGA INTERVENTIONS TO PART 1 OF THE 25<sup>TH</sup> SESSION OF THE COUNCIL OF THE ISA

### **Intervention 5: Consideration of a mechanism and process for the independent review of environmental plans and performance assessments under the regulations on exploitation of mineral resources in the Area**

My delegation shares the view that the independent review of environmental assessment reports is an important element in ensuring appropriate safeguards are in place to achieve the goal of article 145 of the Convention. As highlighted in the note provided, the process must ensure that it incorporates meaningful and added value, which we think it will, and not simply be bureaucratic.

We wish to make 2 points at this time on this important issue as follows:

#### 1. Guidance to the Commission

My delegation is of the view that it is essential for the Commission to determine what procedural aspects are necessary in determining the review, and how it will be incorporated into the overall framework of the Part XI implementing Agreement and the Convention.

In so doing, we submit the following questions which the Commission should consider:

- (a) Whether the review be a mandatory requirement under the exploitation regulations or should it be triggered by members and observers to the Authority?
- (b) What will be the most appropriate, transparent, and efficient manner in which this review will take place and the likely costs that will be incurred? and
- (c) How will it affect the processing of exploitation contracts or activities in the Area?

When it comes to the process of review, my delegation is of the view that there is a need for clear identification of the ambits of the review, the objectives to be achieved from the review and the establishment and selection of the expert panel from the proposed roster of experts. Additionally, and equally importantly, there should be some avenue in which there can be further input from stakeholders into this review, prior to the panel of experts concluding their findings and submitting the review to the relevant decision makers of the Authority.



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### **2. Comment on the setting up of experts**

The setting up of a roster of experts is useful, and we want to ensure that such roster employs the most appropriate and qualified experts. We also see it useful to explore existing procedures for the selection of experts as highlighted in the note but also to ensure it is representative of expertise from the different regions of the world, including those from the Pacific small island developing States who have not only equal academic and technical expertise with colleagues from around the world, but may add perspectives drawn from small island developing States with historical, cultural, social, economic, environmental, ties and intimate affinities with the Area given its location within ocean space located within the Pacific.