

DOSI intervention regarding item 10: Draft Regulations on exploitation of mineral resources in the Area

DR44 - Obligations

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Thank you Mr President

DOSI would like to raise three points.

Firstly, in para 1(b), DOSI supports the inclusion of “and ensure the availability of sufficient information.” The sufficient information requirement refers to the level of knowledge required to make informed regulatory and management decisions and ensure adequate environmental protection and objectives for a particular site. This is an important criterion as it informs the confidence levels of the information on which decisions are being taken. The "best available" information may not always be "sufficient" to predict (long-term) impacts of DSM activities or protect seabed environments effectively.

This consideration is particularly paramount in situations of significant scientific uncertainty, as is the current situation with deep seabed-mining as a whole, and therefore precaution must apply. For example, we welcome the exciting data released by Contractors, which often represent the first samples taken of specific sites, depths or species. However, we note repeatedly the very limited number of samples taken. Limited sample sizes do not reflect a proper scientific design, nor does this capture the variability in environmental and biological data. As such, these samples are highly uncertain.

In procedural terms, the LTC would be able to make a recommendation on ‘sufficiency of information’ to the Council. And the ISA can produce Standards or other instruments that provide more information about how the ‘sufficient information’ assessment is made, to avoid ambiguity - as we agree that transparency and predictability is important here.

We therefore welcome those member states raising the concept in this discussion. We are pleased to share that DOSI experts will be sharing a policy brief on this topic next week, and we stand ready to further assist.

Secondly, DOSI supports the inclusion of directly and indirectly in paragraph 1 as it recognises the variety of impacts deep-sea mining could potentially have on the environment. The differentiation is important as these two impacts require different monitoring strategies to assess these impacts, as well as different strategies to minimise these impacts. Not considering indirect impacts could risk underappreciating environmental externalities in the marine environment.

Thirdly, DOSI supports the current text on the mitigation hierarchy as reflected in paragraph 1 subparagraphs g and i. It is currently not possible to conduct restoration and remediation activities in the deep sea although this option may become available in the future, and more

importantly, feasible, including ecological, technological and financial feasibility. We do not believe that changing this text without this nuance reflects the appropriate current and future conditions regarding mitigating harm in deep-sea environments.

Thank you Mr President