

Institute for Advanced Sustainability Studies (IASS)

Intervention on Item 12: Secretary-General Report and Proposed Roadmap

Thank you, Mr President, for allowing us to have the floor. We would like to commend the Secretary-General for his report and proposed roadmap for the Council for 2022-2023.

While we generally agree on the need for the Council to be clear and explicit on how it should resume its work with respect to developing a system of exploitation for the mineral resources of the Area, we believe that there are several aspects in the said report and proposed roadmap that could be improved. We would like to make three brief points.

First, although it tracks the progress made by the Council over the last years, the report does not take stock of, and account for, what still needs to be done going forward. Indeed, there are many unresolved issues, both within and beyond the regulations.

Within the regulations, outstanding matters include the development and adoption of the necessary Standards and Guidelines to accompany the regulations, determining appropriate environmental goals, objectives and thresholds, criteria for assessing applications, insurance requirements and environmental protection guarantees, the establishment of an inspectorate, as well as the financial terms of exploitation contracts, just to name a few.

But, it is important to acknowledge that the task at hand is not just about the regulations, which the proposed roadmap appears to ignore. Beyond the regulations, a number of intrinsically-related issues must also be addressed simultaneously, including the design of an equitable sharing mechanism as well as a system for compensating land-based mining developing countries, and, of course, the urgent operationalization of the Economic Planning Commission and the Enterprise.

Second, we believe that the roadmap should elaborate further on the working modalities of the informal working groups that have been established in 2020 and the existing one on the financial terms of exploitation contracts, as well as plans for intersessional work with full and open participation opportunities, including observers. Moreover, the roadmap should account for potential further disruptions in the work of the ISA due to Covid-19, as well as already incorporate contingency plans in case the Council is not able to agree and adopt the exploitation regulations by July 2023. It follows that any revised roadmap adopted by the Council should be a “living one” with aspirational milestones, and flexible enough so that it can be subject to constant review and necessary adjustments from time to time as the Council meets and progresses with its work.

In this respect, we are of the view that the Council should reaffirm the prevailing understanding that “nothing is agreed until everything is agreed”, whereby all constituent elements of the system for exploitation should be viewed as a whole and adopted together at the end. The final package of the system for exploitation in the Area should be as ambitious as ever possible - one that fully reflects the common heritage of mankind principle and delivers benefit to mankind as a whole.

Third and finally, the current document that forms the basis of text negotiations only includes specific suggestions made by Council members, while suggestions made by non-Council member States and observers have been excluded. In line with the interventions made by others, we believe that this is quite unfortunate. Hence, we request that a revised version be collated by the Secretariat that includes all these other useful and constructive suggestions, bearing in mind that the Council must always strive to ensure all views of the ISA are reflected in its work.

Thank you, Mr President.