

## **Statement from The Pew Charitable Trusts on Item 12: Draft regulations for exploitation of mineral resources in the Area (Roadmap)**

Thank you Mr. President.

Much of what we might say has already been said by others, so we will take the floor here, as briefly as we can, to reemphasize a number of points already expressed. First, we join the other delegations in thanking the SG for his report and the proposed roadmap, but we share the concern expressed by others that the proposed roadmap is both at once too much and too little. Too much in that a series of 3 week meetings will tax the capacity of all stakeholders to effectively contribute to the discussion of the regulatory framework for exploitation. Too little in that even with this additional time, it will be, as many have said, a perhaps insurmountable challenge to see these consultations successfully concluded with all of the regulations' constituent elements and all of the ISA's responsibilities adequately addressed. Particularly in light of the entire context in which we find ourselves, as outlined previously by Costa Rica, the Council must consider its full suite of options. No doubt we should work intensively over the coming months to progress our discussions about the regulatory framework for exploitation. That may necessitate intersessional exchanges – other multilateral processes and organizations have shown that not only virtual discussions, but also proactively facilitated and inclusive correspondence can be useful tools, particularly in resolving technical issues, and should be considered and perhaps first attempted as an alternative to the capacity-intensive meeting calendar now under consideration. Moreover, the road map is premised on the notion that, following Nauru's notification, the regulatory framework for the exploitation regime must be adopted and finalized by July 2023. However, we share delegations understanding that while provisions of Section 1, paragraph 15 of the 1994 Implementing Agreement do call upon the Council to complete adoption of the exploitation regime, they also provide for alternative scenarios in which such elaboration or adoption cannot – or, if progress proves inadequate, should not – be completed. As several members have noted, if the Council will need to consider these alternative scenarios, an amendment to the roadmap that provides an avenue to consider these options would be most welcome and need not preclude the ongoing elaboration of the regulatory regime.

But as we forge ahead in the interim and to organize the Council's work over the coming months, we agree that we will need more specifics. Among the many substantive issues we must discuss, there are numerous outstanding procedural questions we must answer: When and how will the most recently established informal working groups commence their work? How will they exchange information and coordinate? How will the gaps explicitly identified by the LTC in the draft submitted to the Council in 2019 be addressed? What will become of the many previous stakeholder submissions on the regulations and standards and guidelines? What will be the process for revisiting the existing draft S&Gs and developing the next round of S&Gs? If outside assistance is engaged to support the development of the regulations, how will such proposals be solicited and evaluated? Should this include the request for a consultant on the standards and guidelines recently posted to the Authority's website? Even this long list is necessarily incomplete, but all of these questions would benefit from focused consideration as we further our deliberations over the roadmap.

Further, we stress that timeline for all of these activities must account for adequate stakeholder consultations. Public participation in environmental decision-making is an international norm and a human right. The net must be cast particularly wide for the ISA. Because the ISA administers our common heritage, decisions taken by the ISA will be relevant to all humans, current and future. In

thinking about the roadmap sufficient time must also be factored in for proper public consultation procedures, including for States who wish to conduct their own national level consultations. Input from stakeholders should not only be submitted, they should be appropriately addressed – either reflected in successive drafts of documents or given an appropriate response.

The aim of our work over the next two years should be a robust and holistic framework which guarantees the protection of the marine environment and which is reflective of the views of ISA's diverse stakeholders. These overarching goals must ultimately dictate the timeline and the approach for adopting the exploitation regime.

I thank you.