



AARHUS CONVENTION WORKING GROUP OF THE PARTIES 2024

Thematic Session on Promoting Principles of the Convention In International
Forums

THE INTERNATIONAL SEABED AUTHORITY

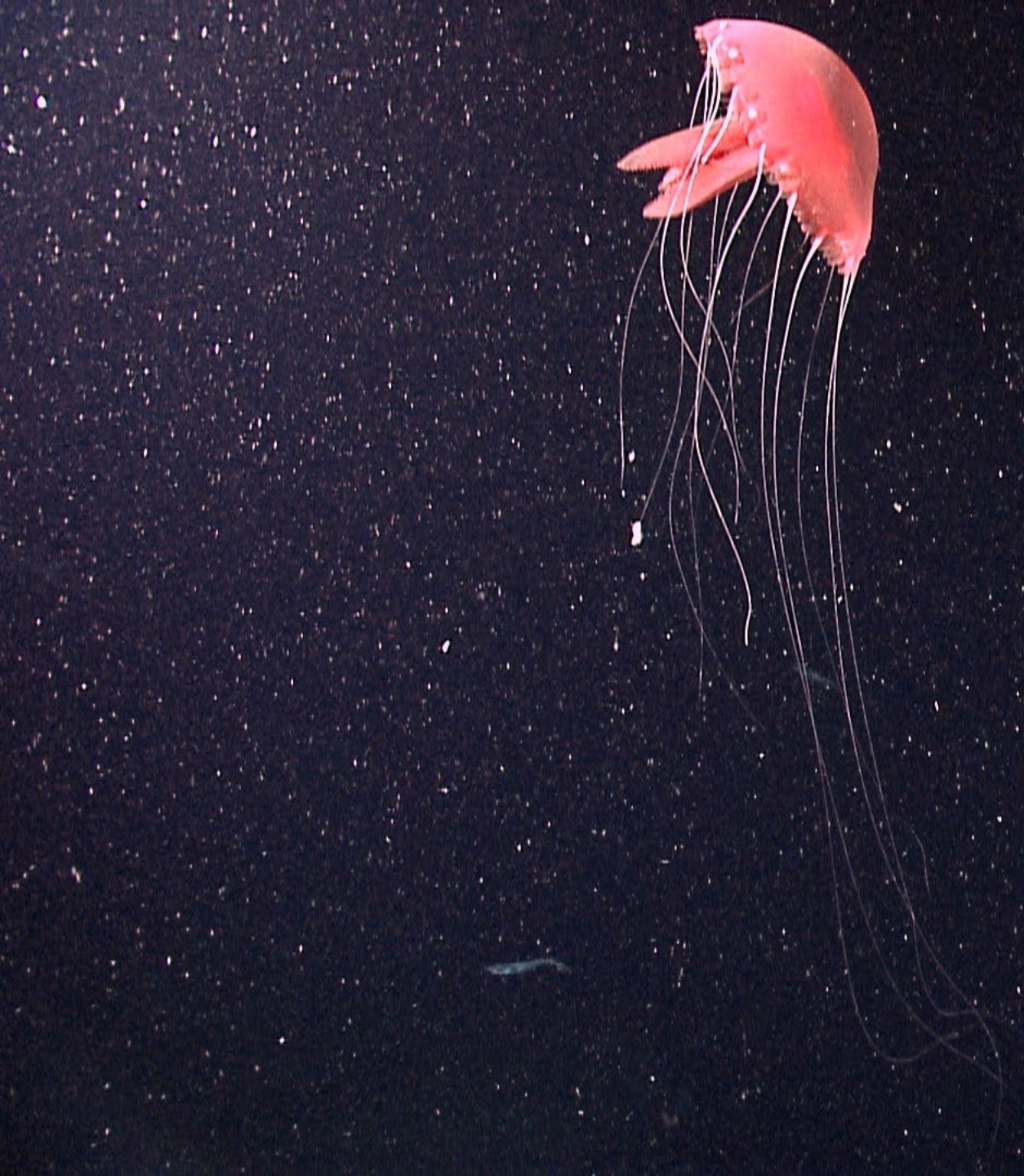
Hannah Lily (Independent Consultant), 3 July 2024

On behalf of expert group including Drs. J.Ardron, N.Craik, A.Jaeckel, S.Ranganathan, P.Singh



THE INTERNATIONAL SEABED AUTHORITY

- **IGO with role to decide upon permits and rules for deep seabed mining beyond national jurisdiction.**
- **46 Aarhus Convention States Parties also ISA member States.**
- **ISA is steward of ‘the common heritage of humankind’:**
 - **Up to half of planet surface.**
 - **Underlying ~95% habitable area of Earth.**



ENVIRONMENTAL IMPACTS OF DEEP SEABED MINING

- **What is likely:**
 - **Loss of biodiversity.**
 - **Pollution through water column.**
 - **Irreversibility of impact.**

- **What is not known:**
 - **Significant gaps in scientific knowledge.**
 - **Impacts on ecosystems services.**
 - **How to regulate, to what thresholds.**

- **First application for deep seabed mining expected by ISA in 2024.**

APPLICATION OF AARHUS PRINCIPLES

- Recalling Article 3(7) of the Aarhus Convention, and the Almaty Guidelines
- ISA is a multilateral international organisation taking globally important environmental decisions.
- Barriers exist to information access, public participation, and access to justice, e.g.
 - Public information systems incomplete and difficult to use.
 - Stakeholder engagement discretionary and inconsistent.
 - No independent complaints or oversight mechanism.
 - Descriptions of institutionalized hostility to environmental voices.



More details provided in the Expert Group Statement available online:

https://unece.org/sites/default/files/2024-03/WGP27_PPIF_session_Statement_on_ISA_by_Experts_0.pdf

Including references to relevant research



Article 4 – Access to Environmental Information

- Restrictive confidentiality or commercial protection rules inhibiting release of environmental information.
- Closed and under-reported meetings of ISA organs relating to environmental issues.

Article 5 – Collection and Dissemination of Environmental Information

- Gaps and limits on access to data on the ISA's public database for environmental data.
- Mandatory far-reaching non-disclosure rules for experts engaged in ISA processes.

Article 6 – Public Participation on Specific Activities

- An inadequate and incomplete institutional stakeholder engagement policy.
- Lack of routine institutional public comment or enquiry processes.
- Lack of public participation opportunities in award and oversight of deep seabed mineral exploration contracts.
- Right to participate at ISA sessions contingent on adherence to restrictive meeting rules not agreed by the State membership
- Restriction to media access at ISA sessions.

Article 7 – Public Participation concerning Plans, Programmes and Policies

- No institutional environmental policy in place at the ISA.
- Data management policy not published or opened to consultation.
- No standardised procedures, and high-bar entry qualifications that exclude certain groups, for participation in processes and workshops focused on the development of environmental policy and plans (e.g. regional environmental management plans).
- Lack of public participation for historically marginalised groups, such as Indigenous Peoples and local communities.¹
- Consultation comments submitted on a draft ISA stakeholder engagement policy not published nor incorporated.
- Inconsistent approach to and opportunity for stakeholder consultation between different policies and programmes.

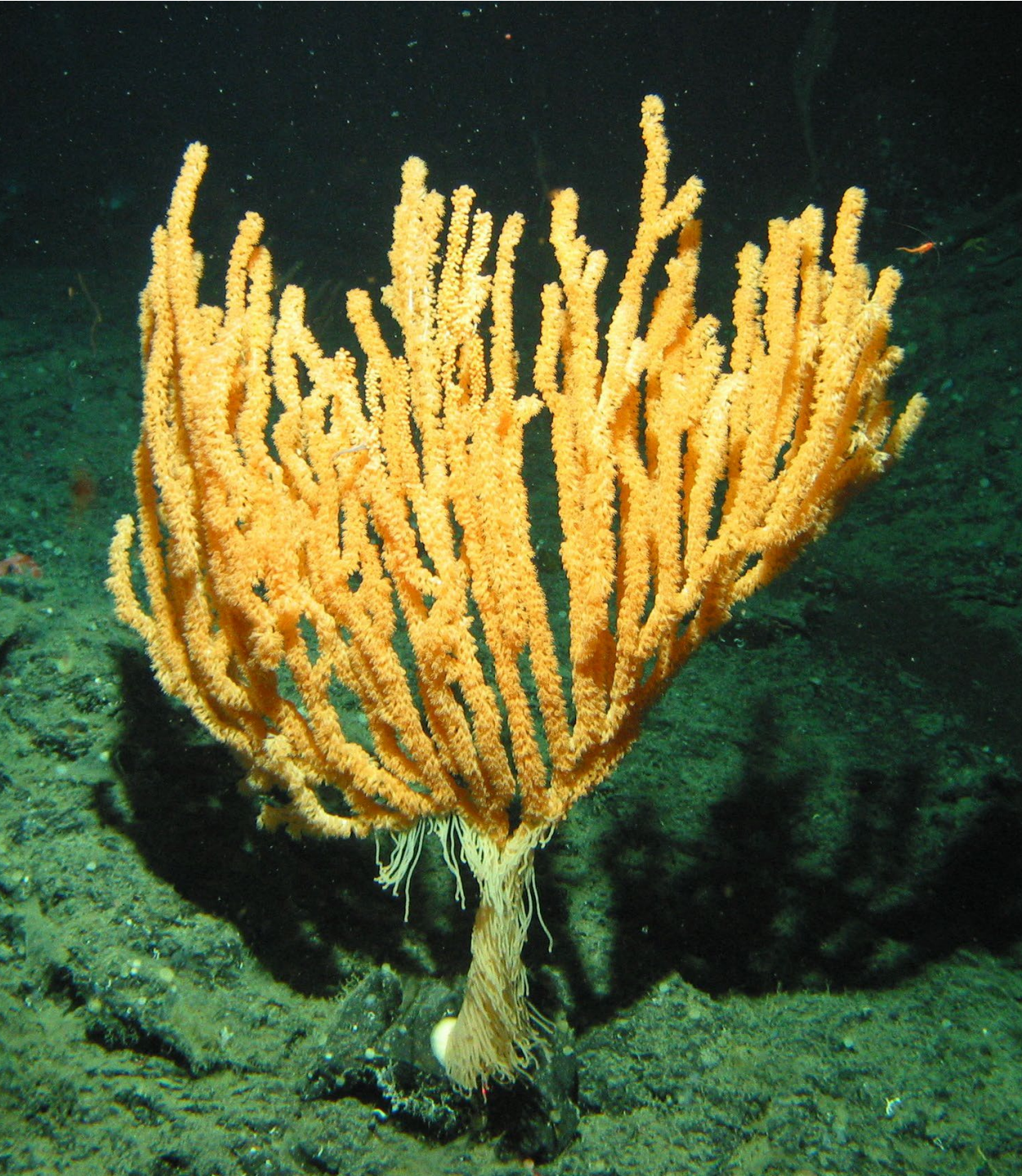
Article 9 – Access to Justice

- No public complaints procedure or whistle-blower protections.
- No independent Ombudsperson or other oversight office.
- Lack of decision review or administrative appeal processes.

4 RECOMMENDATIONS FOR CONSIDERATION

Aarhus Convention States Parties to:

- (1) Request Aarhus principles considered in next ISA institutional review (due 2024-2025).**
- (2) Propose adoption of ISA policies on:**
 - a) Public participation and stakeholder engagement.**
 - b) Environmental information sharing.**
 - c) Public complaints, and whistle-blowing.**
 - d) Environmental impact assessment decision-making.**

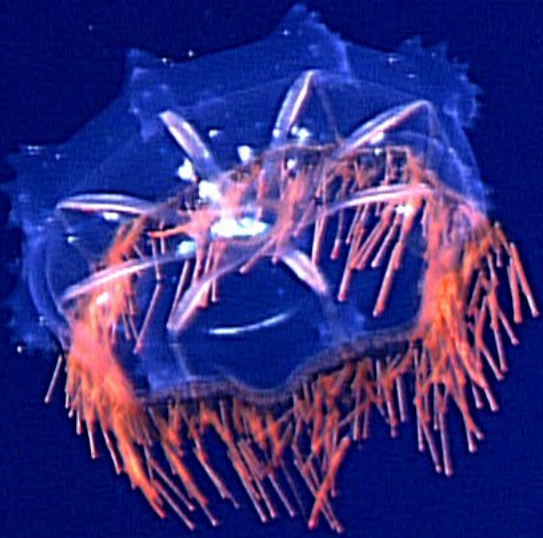


4 RECOMMENDATIONS FOR CONSIDERATION (cont'd)

Aarhus Convention States Parties to:

- (3) Request Aarhus Secretariat to:
 - a) strengthen coordination with ISA Secretariat.**
 - b) Review ISA Regulations negotiating text against Aarhus principles.****
- (4) Invite Special Rapporteur on environmental defenders to look into relevant issues at the ISA.**





THANK YOU

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on behalf of expert group