



Secretariat,  
International Seabed Authority  
14-20 Port Royal Street  
Kingston, Jamaica  
(submitted via email to [strategicplan@isa.org.jm](mailto:strategicplan@isa.org.jm))

January 28, 2021

**RE: Working draft – Communications and Stakeholder Engagement Strategy**

Sir/Madam,

Below, please find our Commentary on the draft Communications and Stakeholder Engagement Strategy issued in December 2020.

As Group Leads, we submit on behalf of the **Deep-Sea Minerals Working Group of DOSI, the Deep-Ocean Stewardship Initiative**. The list of contributors is presented at the beginning of the document. Express Consent for sharing is granted.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sabine', with a long horizontal flourish extending to the right.

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A handwritten signature in black ink, appearing to read 'Diva', with a long horizontal flourish extending to the right.

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**COMMENTARY ON**  
**“Communications and Stakeholder Engagement Strategy”**  
issued 7 December 2020 by the ISA

## **PREFACE**

The **Deep-Ocean Stewardship Initiative (“DOSI”)** integrates science, technology, policy, law and economics to advise on ecosystem-based management of resource use in the deep ocean and strategies to maintain the integrity of deep-ocean ecosystems within and beyond national jurisdictions. DOSI gathers expertise across disciplines, jurisdictions and industrial sectors to foster discussion, provide guidance and facilitate communication. As a distributed network, DOSI has over 700 members from 40 countries.

- DOSI was granted Observer Status at the 22<sup>nd</sup> Session of the ISA in Jamaica in 2016.
- DOSI gives Express Consent to the ISA to make this submission publicly available.

### **Contributors to this Document:**

- Dr. Diva Amon, Natural History Museum, UK; SpeSeas, Trinidad and Tobago
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## SECTION A. GENERAL COMMENTS

1. We welcome the first draft of a Communications and Stakeholder Engagement Strategy and its associated public consultation process, which pertains to Strategic Direction 9 (Commit to transparency) as stated in the High-Level Action Plan, in particular, related to building a stakeholder communications and consultation strategy and platform which facilitates open, meaningful and constructive dialogue, including on stakeholder expectations (9.4).
2. Given the significance of an approach for communicating information about the Area and the activities of the International Seabed Authority to stakeholders, as well as their engagement, this draft Strategy should be significantly improved. It is expected that a draft Strategy should elucidate, firstly, why the Authority should expand its communication and engagement efforts, and secondly, how this should be done, including a step-by-step approach for all stakeholder groups, including those who are not already engaged.
3. The draft Strategy appears to restrict stakeholder involvement in the work of the Authority as well as to construct or reiterate boundaries. Moreover, it does not add anything further to its current practice.
4. The draft Strategy describes a unidirectional relationship with stakeholders, including how some types of stakeholders can contribute to decision making and provide expertise. A broader definition of ‘stakeholder’ in the Strategy would better acknowledge the Authority’s duty to be proactive in reaching the widest possible audience given its mandate to work on behalf of humankind. Furthermore, in future drafts, more information on the Authority’s role and how they will engage and, importantly, support stakeholders in terms of delivering the UNCLOS mandates and the Strategic Plan for 2019-2023 would be welcome; particularly promoting and encouraging marine scientific research, fostering healthy development, and ensuring the sustainable development of the common heritage of humankind for the benefit of humankind as a whole. To this end, this draft Strategy should include a section detailing the rights of all stakeholder groups. For example, new (unpublished) scientific data presented during workshops should not be “collected and published” by the Authority without the scientists’ consent, and scientists should be allowed and encouraged to publish these results.
5. It is unclear why national governments are considered as ‘stakeholders’, given that the Authority is the collective representation of all the Member States.
6. There should be more clarity on what is meant by the “International Seabed Authority”. At times, it is confusing whether reference is made to the Secretariat of the International Seabed Authority, to some other principal or subsidiary organ, or the International Seabed Authority as a whole.

## **SECTION B: ITEMIZED COMMENTS**

### **Part I - Implementation of the legal regime of the Area in support of the 2030 Agenda**

#### **1.3 Features of the Strategic framework and interlinkages with 2030 Agenda**

It is not clear how the “Communications & Stakeholder Engagement Strategy” relates to the objectives of the 2030 Agenda. This section should be reformulated to specifically underscore the importance of stakeholder engagement with respect to the implementation of the legal regime of the Area.

### **Part II: Stakeholder participation in the work of the Authority**

#### **2.1 Stakeholders identification**

Pg. 10: “These different stakeholders are grouped in four main categories: members, observers, contractors and other stakeholders that do not present the conditions to be listed in the first two categories”. Error: in “to be listed in the first two categories”, “two” should be replaced with “three”, as there are four categories in total.

#### **2.2 Guiding principles and strategic framework**

Pg. 11-12: This table could be improved by providing SMART objectives (Specific, Measurable, Achievable, Realistic and Time-bonded) so that the high-level actions can be more effectively implemented.

Pg. 12: Strategic Direction 9.3 – Please clarify whether “actors” refers to stakeholders and if so, which category.

#### **2.3 Participatory process to support implementation of the legal regime of the Area**

Pg. 13: It is unclear why the category of “Observers” is discussed at length and disproportionately as compared to the other categories. Readers may be referred to document ISBA/25/A/16.

Pg. 14: It may not be clear for all readers what “submission of requests” means in this context. The type of request (request for observer status, ISBA/25/A/16) should be given.

Pg. 16: The statement “The authority strives to respond to requests received from the general public in a timely manner ....” is vague. A timeline and procedure should be given.

#### **2.4 Stakeholder engagement and participation**

Pg. 16: We recommend adding a key principle ‘Respecting the common heritage of mankind status of the Area’. This is important for safeguarding the right of all stakeholders that are affected by the work of the Authority, be it directly or indirectly. It is important to ensure that all views and voices reach the members of the subsidiary bodies (e.g., the Finance Committee and the Legal and Technical Commission), as well as Council Member States and the Member States of the Assembly, so that this can be reflected in decisions and outputs.

Pg. 17: “(v) Promoting transparency and accountability for mutual benefit” and “(vi) Recognizing and respecting the diversity of views” are identified as key principles but are poorly reflected

throughout the rest of the document. Strategies for enhancing these principles should be developed and included in future drafts.

- Pg. 17: The title “Levels of stakeholder engagement” only considers members and observer stakeholder involvement in governance, and is not broadly concerned with engagement of all stakeholders. Please consider revising.
- Pg. 17: “Submission of credentials” should include that the Secretariat shall promptly acknowledge receipt of credentials.
- Pg. 19: To enhance stakeholder engagement, the agenda may be communicated not only to the members of the Assembly and observers, but to all stakeholders.
- Pg. 23: The document should detail the different mechanisms for funding stakeholder engagement, as well as links to application forms if applicable.
- Pg. 23: We recommend a definition of “key documents” that undergo stakeholder consultation be included and perhaps broadened. For example, REMP documents should go through the process of stakeholder consultation as they are key documents representing the strategy for protection of the marine environment by the ISA.
- Pg. 23: In addition to the uploading the comments from stakeholders during consultations on the Authority’s website, there should be additional information provided by the Authority on how the comments were considered and taken up or rejected. In addition to this, the Authority or administrator receiving the comments should promptly acknowledge receipt of each submission. Furthermore, all comments by stakeholders shall be made available in the same way, e.g., in the case of comments submitted by non-Council members in relation to the Draft Exploitation Regulations in 2019, these should have also been featured in the negotiating text.
- Pg. 23: Modality of stakeholder consultations should be clearly stated, with multiple types of recommended to give stakeholders without internet access equal right to comment. For example, the possibility of requesting paper copies and sending paper comments, the publication of ISA announcements on Member States websites or in the print media of Member States. Direct involvement of Member States should be considered to enhance the possibility of the general public commenting on key documents. (Comment also valid for Pg. 27 (F)).
- Pg. 23: In relation to ‘Participation in workshops and events organized by the Authority’, there should be more clarity and transparency pertaining to the organization of workshops, determination of the agenda and speakers, as well as the selection of participants, and the writing of final reports or output documents. Moreover, while it is understandable that the number of active participants should be limited, workshops should be broadcasted live (see also statements on Pg. 27 on the use of communications technology to enhance stakeholder engagement). This would enhance transparency, capacity building, and engagement.
- Pg. 24: It is mentioned that the International Seabed Authority has “established partnerships [...] through a number of processes”. It is unclear what is meant by “through a number of processes”. This requires further elaboration.
- Pg. 24: We recommend adding another subsection, ‘(v) Consultancies and collaborations with research partners’. Currently, there is little transparency surrounding the process of procuring and selecting consultants, as well as collaboration with research partners. In addition, there should be more time allocated to solicit applicants. All applications that were received should

## Deep Ocean Stewardship Initiative

be disclosed, including an evaluation (scoring) of all the applications. Justifications must be given for applications that were successful, as well as for those that were unsuccessful.

Pg. 25: “Exceptions of this rule are made for the annual report of the Secretary General and legislative instrument, such as regulations”. REMP documents or any other document concerning environmental matters should be included these exceptions.

Pg. 27: “Strives to webcast selected meetings of the Assembly and Council”. It is not clear what is the criteria for selection. To enhance transparency and stakeholder engagement, all meetings, including the LTC discussions of non-confidential information, should be webcasted, and if not, reasons for this communicated in a timely manner.

Pg. 28-29: “Media outreach and enquiries’ should also mention the use of social media and other online sources by the Secretary-General and the members of the Secretariat. Online activities should be controlled in order to preserve the neutrality and impartiality of the Secretariat.

Pg. 28: Typographic mistake; “with”.

### **Part III: Stakeholder code of conduct**

Pg. 30-31: Code of conduct of the Authority when communicating or engaging with stakeholders and the general public, in particular, members of the Secretariat (which are representatives of the Authority), should also be covered in the document.

*END*