

Deep Sea Conservation Coalition

Intervention Opening/Council

Items 1, 6

Day 1 18 July 2022

Thank you Mr President and good morning delegates.

I am delivering this for the Deep Sea Conservation Coalition and our over 100 member organizations concerned about the conservation of the deep sea.

We very much appreciate the efforts of the host State Jamaica to provide for this meeting. It is always a pleasure to be here in Jamaica and to be able to appreciate the hospitality Jamaica is famous for. We also join other delegations in noting the importance of Nelson Mandela Day and the enormous contribution of Nelson Mandela to peace, dignity and equality.

This is a critical meeting, and we do want to acknowledge the member State delegates and observers that have not

come due to the announced limitations. There simply was no point in going to the expense and making the journey here for delegates to sit in their hotel rooms. We believe that the restrictions on participation at this meeting are unacceptable, as well as non-inclusive and non-transparent – and utterly out of step with the norms and expectations of international decision-making processes, particularly given the importance of the coming 3 weeks. If they were unavoidable, we believe this meeting should have been postponed until a suitable venue was available. Instead, we are restricted to one delegate per delegation in a separate room to the State delegates. Interactions between States and Observers have been severely curtailed by placing the two groups in separate rooms. What's more, we have been informed by several journalists that they too have been denied access to the meetings.

We do thank those delegations which wrote to the Secretariat seeking to relax these restrictions, and we do welcome the virtual participation possibilities for Council and, we hope, Assembly.

We are only a one short year away from the moment when Council members may be required to make a decision on whether or not to adopt hastily negotiated regulations to strip-mine the seabed, in spite of the significant environmental concerns.

Mr President, this meeting continues to be framed by the 2 year Rule invoked by Nauru for the benefit of its contractor, NORI. DSCC is alarmed that the rush to develop regulations, standards and guidelines is being driven by the 2 year Rule, in response to the merger and flotation of The Metals Company and its need to promise investors a rate of return through starting seabed mining in 2024.

This is the worst possible way to develop regulations and the worst possible reason to develop them, when scientists tell us how much uncertainty there is yet how much damage would be caused by deep-sea mining.

The rush to develop regulations is fundamentally misconceived. It is far, far too early to develop regulations. Put very simply, the adoption of regulations will mean the start of seabed mining. The Metals Company makes that very plain in their many statements to potential investors. That is their plan. The ISA and indeed the world must not be led by the nose by a company which openly says it intends to engage in seabed mining in 2024 once it obtains a contract, and whose current market capitalization is around 1/15 of the value that they promised.

But to those who have despaired that we are on a one way path towards the start of mining next year, there is now hope. A number of Council members and other States have now recognised that a delay or a moratorium on the adoption of regulations is essential. There are three reasons this is so.

Firstly, we know that mining will be damaging. Deep-sea mining will damage the seabed and kill or harm living creatures of the deep-sea (the word used in Annex IV is “crush”) and smother life on the seabed and life on the nodules, cause damaging benthic sediment plume and a sediment plume from the return discharge, release toxic substances and harmful noise as well as other effects. The science we do have shows that effects from mining will be widespread, significant, and long-lasting, or to all intents and purposes, permanent,, causing damage to and loss of biodiversity. Numerous scientific papers bear this out. Other members and observers will speak to these matters in coming days and weeks including the scientists of DOSI.

Secondly, there is inadequate scientific information about the deep sea. Deep-sea scientific knowledge is currently too sparse to avoid environmental risks and ensure the protection of the marine environment from deep-seabed mining. We are years, decades even, away from having comprehensive environmental baseline information for the regions where deep-seabed mining may occur, both for the seafloor and water column within and outside contract areas. Lack of understanding the impacts of deep-seabed mining is a critical gap.

Thirdly, there are structural and governance issues at the heart of the ISA. By this we mean no disrespect to delegates who have worked long and hard. But there are severe structural and functional problems.

To cite a few issues, the LTC meets behind closed doors, there is no scientific committee, which is a major gap, recommendations of the LTC for plans of work can only be disapproved by a 2/3 majority of Council including a majority in all the Chambers, meaning that the 2/3 majority of Council could be opposed to approving a plan of work, and yet it would be accepted anyway.

There are conflicts inherent in the ISA structure; there is no appeal from decisions to approve a plan of work other than that contractors themselves can take a case to ITLOS over a refusal of a Plan of Work; numerous issues of public participation and transparency still exist, and the restrictions on participation in this meeting speak volumes. And to this we must add the lack of a transparent, independent hearings process that would impartially and transparently process any applications should they ever eventuate, applying independent best available science. It is simply magical

thinking to imagine that mining could occur in just 2 years time and not cause enormous damage to the marine environment. Speaking quite frankly, as we saw in the United Nations Oceans Conference just a few weeks ago, there is deep and widespread dismay at the prospect of regulations being adopted next year giving the green light to deep-sea mining. Put very simply, and clearly, if regulations are adopted next year, that will see the commencement of deep-sea mining, no matter how stringent the regulations may appear.. That would be a tragedy for the ocean, but also for the ISA.

Mr President, for all these reasons, and more, this is why a moratorium on deep-sea mining is essential. That is why we are delighted that the global Alliance for a moratorium was formed and we want to pay our respects to the States that have put up their hands to support a moratorium, together with a strong statement by the President of France, who called for States to “create the legal framework to stop high sea mining and to not allow new activities putting in danger these ecosystems”. We believe it is time for the Council and Assembly to take note of and act on these initiatives.

We again emphasise that the regulations, standards and guidelines under discussion would cover all 3 types of mining - nodules, cobalt crusts and sulphides - yet almost all discussion is about nodule mining, ignoring two unique and important ecosystems - hydrothermal vents and seamounts. This is another major concern which is too easily forgotten.

Thank you Mr President