

Deep Sea Conservation Coalition statement

SG Report

Thank you for the floor Mr President

We have some brief observations to make on the Secretary-General's report, for which we join other delegates in thanking the Secretary-General and the other hard working members of the Secretariat. We also thank Jamaica for its hospitality, which is always so warm and welcoming.

In paragraph 50 of ISBA 27/A/2,, the Secretary-General addresses the BBNJ negotiations. BBNJ will apply to all areas beyond national jurisdiction, including the deep seabed Area, and will have competence for marine biodiversity. All Members should welcome this, and welcome the scientific, normative, cooperation and decision-making that BBNJ will offer, including marine protected areas, a modern, effective framework for environmental impact assessments, capacity building, transfer of marine technology and of course access to and benefit sharing of marine genetic resources - all of great significance to the Authority. The ISA should build bridges to BBNJ, not erect fences around itself.

We would further note that the Decade of Ocean Science for Sustainable Development which is under way has opened an opportunity for the ISA to work with the rest of the ocean community to better understand the threats and multiple stressors to our oceans including the deep-sea, the role and importance of the deep-sea in regulating planetary environmental processes as noted by the UN's first World Ocean Assessment, including the carbon cycle, and to help combat the increasing threats to marine biodiversity including climate change, de-oxygenation and ocean acidification, plastics and pollution, and to use this opportunity to learn more about the deep-sea species and ecosystems about which we know so little.

There have been important developments: UNGA resolution 76/75 just last week recognised the right to a clean, healthy and sustainable environment as a human right.

It was also specific in terms of implementation;; the resolution notes that the right to a clean, healthy and sustainable environment is related to other rights and existing international law. That means it needs to be implemented here too. It similarly affirms that the promotion of human rights requires the full implementation of the multilateral environmental agreements and it calls for policies to ensure a clean, healthy and sustainable environment. Authorising seabed mining through adopting regulations or approving contracts, far from ensuring a clean, healthy and sustainable ocean, will condemn the ocean to decades of industrial scale destruction.

Paragraph 46 of the Report needs an update. That paragraph reads that on 21 December 2021, the Secretary-General received an application for approval of a plan of work for exploration for polymetallic nodules in the Clarion-Clipperton Zone in the Pacific Ocean submitted by Circular Metals Tuvalu Ltd. But on 23 March 2022, the Secretariat received notice that in fact Tuvalu has rescinded its sponsorship. Tuvalu's Foreign minister said that his government was now standing firm in its opposition to seabed mining. Tuvalu's Ambassador Samuelu Laloniu at the United Nations Ocean Conference said Tuvalu rescinded its deep-sea mining sponsorship application in March as an expression of their 'common stewardship responsibility' He said, and I quote, that "Our common stewardship responsibility is to ensure stringent environmental protection in light of the potential harm that deep-sea mining could entail on ecosystems, biodiversity, fisheries and worse still, the

potential harm on the climatic function that the deep ocean plays, which will be a liability borne by the sponsoring state.”

This observation applies to all sponsoring States, and we call on all sponsoring States to reconsider their sponsorship accordingly.

It would be remiss of us not to mention the elephant in this very small room, which is the triggering of the two year rule. That triggering of this odious provision has created enormous stress, not only in the world and ocean community at large but in the ISA itself. It was unnecessary, unwarranted, particularly during the COVID pandemic, damaging and destructive.

We welcome Chile’s call for an agenda item to address the challenges that the 2 year rule’s invocation has posed. It is up to all 168 Members to uphold the protection of the marine environment and work to ensure that deep-sea mining is not authorised to start next year..

Under paragraph 38 of the Secretary-General’s report, the draft regulations are mentioned. It will be obvious to all who were here in Council in the last two weeks that the draft regulations are in a rudimentary state and still severely lacking in rigour. As diligently as the facilitators, States and observers worked, to even state that they are a work in progress is a massive understatement.

But even more importantly, and we cannot say this often enough: the adoption of regulations in July, or at any time, would signal the start of deep-sea mining. They will enable contractors to put in applications for plans of work. It would be a devastating moment for the oceans, and one that must be prevented.

That is why a moratorium is essential and why the Deep Sea Conservation Coalition strongly supports the calls for a moratorium on deep sea mining - a call made by the International Union for the Conservation of Nature, numerous civil society organizations, and the European Parliament, endorsed by the 4 Pacific States that are championing an Alliance for a moratorium, which gained enormous momentum during the UN Oceans Conference in Lisbon last month. With the two year Rule due to expire less than a year from now, the ocean cannot wait.