

International Seabed Authority: 26th Assembly Session

13 December 2021

Agenda item 9: Report of the Secretary General

Statement of New Zealand

Thank you President.

It is my honour to make this statement on behalf of Aotearoa New Zealand.

We would like to start by thanking the Secretary-General and the staff of the International Seabed Authority Secretariat for providing us once again with a helpful annual report. We also thank the Government of Jamaica for its hospitality and continued support of the Authority during these unprecedented times.

Aotearoa New Zealand welcomes the resumption of Council and Assembly meetings at this important juncture, noting the critical need to advance negotiations on the Mining Code over the next 18 months. To this end, we appreciate the work that has been undertaken to plan for meetings of the Authority over this time.

We also want to acknowledge with appreciation the hybrid format that is being utilised for this meeting, and highlight the importance of facilitating these modalities going forward. Virtual participation has become a necessary “norm” for multilateral meetings over the past two years, enabling the equitable participation of all states where travel is significantly limited.

While we hope that the COVID-19 situation improves globally, New Zealand considers that it would be prudent for the Authority to plan its work over the next 18 months on the basis that in-person participation of all relevant Member States and civil society stakeholders may not be possible. We consider that the Authority should, in recognition of the need for continued flexibility in such uncertain times, make provision for the widest possible effective participation of delegations and civil society stakeholders over that period through a hybrid format.

Mr President

Aotearoa New Zealand recognises the work of the Legal and Technical Commission over the past 18 months in continuing to develop the first tranche of standards and guidelines to underpin the exploitation regulations. We thank the Commission for the opportunity to comment on these standards and guidelines in October 2020 and July 2021.

In New Zealand's view it is critical that all participants in this process are able to review, in advance of our next meeting, the full "package" of regulations, standards and guidelines, as they currently sit, in light of any amendments made in response to the January 2020 Council negotiations, and stakeholder comments. Therefore, we request that the existing package of regulations, standards and guidelines be circulated as soon as possible, to enable members, observers, and others, time to consider them and so as to ensure our next meeting is as productive as possible.

In relation to the upcoming July 2022 Legal and Technical Commission election, and with acknowledgement of the fact that the Commission may soon be asked to consider plans of work for the exploitation of mineral resources on the deep seabed, we note that we are particularly concerned about the current under-representation of environmental science on the Commission. This was also acknowledged in the Secretary-General's report on this matter.

New Zealand fully supports election modalities that ensure a fair distribution of regional representation. However, New Zealand also considers that prioritisation must be given to ensuring that candidates have the required expertise. We consider that these two criteria must both be fulfilled, so that the Commission can continue to function as effectively as possible. To increase the representation of environmental science, we encourage the development of a mechanism for the election of members to the Commission that ensures expertise across a range of disciplines, as well as geographical distribution.

Mr President

Finally, we would like to outline New Zealand's priorities for the upcoming negotiations of the Mining Code in March and beyond.

As we develop a Code to regulate deep sea mining, it is vital to acknowledge the potential risks that this activity presents to the marine environment. The deep seabed contains some of the least understood eco-systems on the planet and relevant detailed scientific knowledge about this environment remains extremely limited. Deep sea mining has the potential to cause irreversible changes to this environment, and could have a significant impact on the biodiversity within it.

As so much remains unknown about the fragile deep sea environment, and in the face of significant environmental risk, it is essential that any Mining Code, above all, ensures the effective protection of the marine environment. To this end, it is essential that the Mining Code we collectively develop provides for the collection of adequate baseline data; robust environmental impact statements; detailed environmental management and monitoring; public participation in the decision making process; and independent oversight of compliance with the Code itself.

Aotearoa New Zealand seeks a regulatory regime that ensures deep sea mining cannot proceed unless the marine environment is effectively protected. The effective protection of the marine environment in accordance with article 145 of UNCLOS must be our collective bottom line in the upcoming negotiations on the Mining Code.

Thank you.