

International Seabed Authority: 27th Assembly Session

July 2022

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 continually difficult times.

New Zealand welcomes the hybrid format that has been utilised for these meetings, given the unavailability of the usual conference facilities, and the reduced capacity of the replacement venue. In this regard, we would like to reiterate the importance of continuing to facilitate these, or similar, modalities going forward where it is necessary to ensure full transparency, and effective participation from all Member States and observers to the ISA.

Mr President

Aotearoa New Zealand would like to use this opportunity to reflect on the negotiations from the past two weeks, starting with acknowledging the hard work of the facilitators of the various working groups, both in this session and in the intersessional period, in updating and releasing comprehensive updated versions of the draft regulations.

We greatly appreciate the time and effort that has gone into this work, and consider that the updated drafts provided a solid basis off of which a productive discussion was able to be had during this session.

As we look forward to Part III of the 27th session in November, we would like to briefly outline New Zealand's priorities for the ongoing negotiations of the Mining Code.

It is vital to acknowledge, as we undertake this task, the potential risks that deep sea mining 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 such, it is essential that any Mining Code adopted, above all, ensures the effective protection of the marine environment. This is required under Article 145 of the UN Convention of the Law of the Sea and must be our collective bottom line in these negotiations.

As outlined in the Council last week, New Zealand's view is that mining cannot and should not take place in the absence of strong environmental safeguards. This must include robust and comprehensive regulations that embed the precautionary approach such that mining cannot take place unless there is effective protection of the marine environment.

New Zealand, jointly with Costa Rica, Chile, the Netherlands, the UK and the Federated States of Micronesia, put forward a proposal in March which is designed to encode Article 145 of UNCLOS into the draft regulations. The proposal aims to fill a gap in the Commission's decision making process by introducing a new stage, requiring the Commission to make a substantive determination on whether an application to mine gives rise to a risk of significant harm to the marine ecosystem.

We consider that such a decision-making stage is vital to ensure compliance with Article 145 and we were pleased to see this proposal included in the various updated drafts of the regulations released by the facilitators of the Working Groups this week.

Mr President,

New Zealand agrees with those who have expressed the view that paragraph 15 of Section 1 of the annex to the 1994 agreement does not require the Council to adopt exploitation regulations at the end of the two-year period. Nor does it require the Council to automatically approve a plan of work at that time.

Rather, this provision requires the Council to make best endeavours to complete regulations within the prescribed timeframe. If that work remains unfinished at the two-year deadline – if the regulations do not ensure the effective protection of the marine

environment – we consider the Council is not required to adopt them. And it is New Zealand's view that in these circumstances mining in the Area should not proceed.

I would like to finish by reiterating New Zealand's commitment to continuing to work cooperatively and effectively on the development of the Mining Code over the next while with an overall view to ensuring that any regulations adopted ensure the effective protection of the marine environment.

Thank you.