



General Statement of **H.E. Archbishop Bernardito Auza**
Head of the Delegation of the Holy See to the Second Part of the
Twenty-fourth Session of the Council of the International Seabed Authority
Kingston (Jamaica), 17 July 2018

Mr. President,

I bring to you and the International Seabed Authority the greetings of Pope Francis, whose love and care for our common home is well known, and convey his appreciation for the thoughtful way that the International Seabed Authority is considering the regulatory, financial, technological, social and environmental challenges presented by deep seabed mining. My Delegation is grateful for the progress made in March on these issues and looks forward to reaching greater clarity this week regarding various important questions.

While my Delegation understands the need for more mineral resources due to increasing demand, the uncertainties and risks that this new commercial activity brings to the seabed environment require thorough study and debate in order to minimize, mitigate and eliminate any negative consequences. This is consistent with the precautionary approach the Draft regulation recommends.

The Holy See would like to call attention to five items.

1. As for **regulatory matters**, the Holy See has been made aware of the great concern in some areas of the Pacific with respect to the impact of seabed mining on food supplies and on the life of local coastal communities whose lives depend primarily on marine resources. We are aware that such cases of seabed mining fall within national jurisdictions. Nevertheless, we would like to bring them to the attention of the Authority, given its consultative function in this field. Although economic considerations are at the heart of seabed mining, human life and care for our oceans must be at the center of any regulatory approach. These values are the foundation upon which the United Nations Convention on the Law of the Sea, and especially Part XI implementing the agreement, are based. For example, Draft regulation 2, which sets forth the Fundamental Principles, places before the protection of human life and the marine environment the right to monetary benefits under the common heritage of mankind, the health of the world economy and trade, and commercial principles. In order to address best the substantial risks of deep sea mineral exploitation, the protection of human life and the marine environment must be assured before economic and commercial considerations.

2. With respect to **financial considerations**, my Delegation believes that the lively discussion on several aspects of the financial model presented yesterday indicated that there is a need for better understanding of benefit sharing, the depletion of our oceans as a result of mining activity, and the financial obligations of seabed mining enterprises for the preservation of marine protected areas. Although the cost of site restoration is included in the Draft regulation, the very long time that the ocean environment needs to heal makes the consequences of mining activity quasi-permanent in nature. Other uses of seabed resources,

including rare forms of marine life, energy, and marine genetic resources, ought to be considered. If the global community is fully committed to marine spatial planning, including with respect to the seabed, all resources should be identified and valued prior to commencing mining, so that informed decisions can be made.

3. My Delegation acknowledges the importance of **technology** in extracting and transporting minerals from the deep seabed and supports the call for cooperation, the sharing of best practices and the creation of standards and guidelines to supplement the regulations. To minimize the risk that financial interests would trump best practices and environmental protection, my Delegation would like to see more attractive incentives for sharing technology and best practices, including innovative licensing agreements and shared research initiatives.

4. With respect to **social risks**, the Holy See urges greater focus on potential negative social impacts. Legal texts reiterate the need for cooperation, coordination, transparency, participation by all stakeholders, and sharing best practices and technology. My Delegation wishes to encourage the Authority to operationalize these principles in the legal framework and to anticipate more fully the situations that might engender conflict. For example, it is unclear how mineral resources mined in areas beyond national jurisdiction that cross into jurisdictional waters might be addressed; or whether the criteria for selecting the sponsoring State should include consideration of its geographic location in relation to the site of extraction; or whether a State with more proximate jurisdictional waters to the site of extraction should have the right to object to the selection of a sponsoring State with more distant jurisdictional waters; or whether a sponsoring State can have an equity interest in a mining project and at the same time exert regulatory authority, thereby creating a conflict of interests.

5. Lastly, on **environmental risks**, my Delegation welcomes and encourages comprehensive environmental policy, including the development of Regional Environmental Management Plans. We are particularly concerned about giving the Authority or Sponsoring State the power or right to terminate or suspend an exploitation contract in the event of unacceptable levels of environmental harm. Annex X of the Draft Regulation, on Standard Clauses for the Exploitation of Contracts, seems unclear in this regard, and the financial model illustrated yesterday explicitly excluded a consideration on possible “serious harm” or unacceptable levels of environmental harm in the calculations of expenditures and revenues and profit-sharing.

Thank you, Mr. President.