



March 30, 2022
Mr. President,

When humankind does harm to the ecosystem, it is not the primary intended outcome, it is an unfortunate byproduct usually of resource utilization. However when mankind decides intentionally do good work for the ecosystem the outcome often usually swift and profound. We should celebrate this fact and accept that mankind with the proper resources, tools and motivation can and will deliver a healthier planet. It is vital we do not encourage apathy or toss around the term 'marine extinction' like it is a forgone conclusion.

We now have bald eagles, condors, white sea bass, grey whales, elephant seals, in some cases cleaner harbors, and cleaner air- all of these things are by design, they have come through hard work, conservation and dedication. They are to be celebrated and none of them were certain just a generation ago. We must create a sense of optimism for the future and give young people the sense that positive change is within our capacity and it is already occurring all around and us and just needs to be expanded upon especially with regards to man-made carbon dioxide reduction in the marine ecosystem.

The United States, other state parties and a number of the observer delegations have said clearly multiple times that restoration in the deep sea is likely not possible on a human time scale. Several observer groups have also said that out-of-kind mitigation, where the ecological repair happens far away from the Area is not acceptable. If both are true this creates a *true legal conundrum*.

If we cannot attempt restoration either in the Area directly, or away from the Area, what do we do then about unavoidable impacts once deep sea mining occurs? How do we offer up true ocean health to balance the scales of environmental justice? How do we meet the mitigation requirement in the mining code?

Mr. President, the mining code requires mitigation and in simple terms mitigation means 'to lessen' – as in to lessen or reduce the impact to the ocean as a whole. UNCLOS is clear that the ocean must be seen as a whole, just like humanity must be seen as whole. Mitigation does not mean to offset, or repair or restore, it just means 'to lessen' the overall impact somehow, that is all. It is clear the only and best way to offer true mitigation is to be done so through enhancing and restoring the ocean ecosystems in the coastal zones that directly benefit humans the most.

By embracing this thinking, non-cash long term, sustainable benefits can be sent directly from the contractors to millions of hard working small scale fishermen and their families around the world who otherwise would realize little to no benefits. A good chunk of the common heritage can benefit in this way.



It would be a true disservice to the common heritage if certain groups were to tap the coming environmental fund to pay for their own salaries while promoting a limited scope agenda and claim that the mitigation in the mining code is somehow satisfied in doing so. Any mitigation project must be physical in nature with a clear, guaranteed and measurable outcomes: actual plastics removal direct from third world beaches and rivers, actual mangroves planted, actual new reefs built in coastal zones, actual sea grass planted, actual kelp and coral planted and restored. Hard work, sweat equity, unglamorous work that directly benefits both ocean and mankind alike is all that should be accepted as mitigation.

Building new reefs through a system of measurable, guaranteed outcomes does appear to be the most preferred and reasonable mitigation measure offered up thus far. State parties such as Senegal have gone on record at the ISA requesting that making new reefs be a priority as a means of food security. Projects such as the Great Africa Food Reef starting in Senegal will straddle the continent and provide drought proof, long term food security, ocean health and jobs for millions. This is true mitigation and benefits sharing as envisaged no doubt by the architects of UNCLOS.

Thank you Mr. President.

Written and delivered by:
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Helping Ocean Life Thrive™
