

## **Oceans North ISA Intervention August 2022**

### Tuesday, August 2: Secretary-General Report

Thank you for the floor, Mr. President.

Excellencies, fellow delegates, and observers, we would first like to express our gratitude for being approved to become an observer at the International Seabed Authority and our excitement at being able to participate virtually this week, and in person this November. The ISA's requirement to ensure the effective protection of the marine environment in the face of deep seabed mining is a great responsibility, one that cannot be ensured if exploitation is approved without the guaranteed protection of the marine environment – on which we all rely.

Although we are a new observer, we have been following the work being done here closely and look forward to contributing to the best of our abilities. To this end, we have observations on the Secretary-General's report, which we greatly appreciate and for which we thank the Secretary-General and his hard-working team.

In paragraph 26, we note the support for the Action Plan for Marine Scientific Research, which was further supported by numerous delegations throughout the Council meeting, and we urge the Authority as a whole to increase its commitment to research, capacity building, and knowledge sharing for the sake of protecting biodiversity and the already overburdened ocean, and not for the sake of exploitative profit. The effective protection of the marine environment must be the priority because exploitation done without an understanding of the consequences cannot be undone. There is precedent for this both in the Antarctic Treaty System and the Central Arctic Ocean Agreement, which are proving critical for the management of productive marine ecosystems.

In paragraph 46, we note, along with other delegations, that Tuvalu rescinded their sponsorship of Circular Metals Tuvalu Ltd. in order to reaffirm their commitment to the "common stewardship responsibility" and now stand firm in their opposition to deep seabed mining. We suggest that the Annual Report should reflect this change, and we urge other sponsoring states to consider the significance of prioritizing the marine environment

above exploitation, especially considering the insufficient state of the regulations, standards, and guidelines, which are mentioned in paragraph 38.

As an organization who has been working on the BBNJ negotiations for some time, we appreciate paragraph 50's reference to BBNJ considering it will apply to the area beyond national jurisdiction, notably including the seabed. The BBNJ instrument will enable the creation of marine protected areas, the implementation of environmental impact assessments, will foster capacity building, and will address marine genetic resource and benefit sharing in international waters. Any exploitation of the seabed would intersect with the mandate of BBNJ and would thus require communication between both bodies to ensure the effective protection of biodiversity and the marine environment. It is crucial that activities proposed for the Area are compliant with BBNJ and do not lead to a loss of biodiversity. Ocean ecosystems such as the seafloor, deep sea, sunlight zone, and coastal areas are not separate, but connected, and neither the ISA nor BBNJ can successfully achieve their mandates if seabed ecosystems are irreversibly destroyed. Therefore, it is premature to advance an exploitation regime under the ISA when BBNJ is not finalized. Setting the terms of environmental protection first should be the way forward - particularly given the dual crises of biodiversity loss and climate change. We believe that the ISA should be following the lead of BBNJ in matters relating to marine biodiversity.

In addition to the opportunity presented by the imminent completion of BBNJ, we point to significant developments at the UNGA with resolution 76/75 establishing the right to a clean, healthy, and sustainable environment; as well as the call for a moratorium on deep seabed mining announced by states at the UN Ocean Conference and supported by numerous organizations, companies, parliaments, and the International Union for the Conservation of Nature in their resolution 122

These developments are mirrored by the collective commitment to the UN Decade of Ocean Science, as well as the language of the High Level Panel stressing the need for the precautionary principle and science-based decision making.

With all this in mind, we welcome Chile's proposal for a new agenda item addressing the two-year rule to be added to the agenda and stress the

importance that Article 12 is adhered to by allowing a vote to go forward on the inclusion of this topic. An open discussion of the two-year rule and its repercussions is central to the current work of the ISA, and is further important for good governance and transparency.

Lastly, we would like to express the importance of the responsibility the Authority holds over the common heritage of humankind, and the necessity of protecting the seabed for the overall health of the ocean. Developing a regulatory framework for protecting seabed resources should not be rushed, and we urge delegates to take the time needed to understand the environmental and socio-economic repercussions of exploitation, to discuss the stress placed on the process by the two-year rule, and to consider the opportunity a moratorium presents to protect the environment and conduct sufficient research. The health of the ocean is something we have power over right now, which will impact communities for generations to come.

Thank you very much.