

OPENING STATEMENT OF BELGIUM (ISA, MARCH 2022)

As one of the trailblazers of the 'Blue Leaders'-initiative, Belgium highly welcomes the successful conclusion in the beginning of March of the negotiations regarding the Treaty on the conservation and sustainable use of Marine Biological Diversity in areas Beyond National Jurisdiction. Reaching this milestone after two decades of negotiations is a considerable achievement and will no doubt prove crucial in ensuring a better and adequate protection of the marine environment.

Belgium strives for consistency and coherence between what has been achieved in Montreal at UNCBD COP 15.2 with the Kunming-Montreal global biodiversity framework, in New York in the context of those BBNJ-negotiations and the negotiations on exploitation regulations here in Kingston. Belgium is hereby convinced of the need to uphold the provisions of UNCLOS, including article 145, which states that '*necessary measures shall be taken in accordance with this Convention with respect to activities in the Area to ensure effective protection for the marine environment from harmful effects which may arise from such activities*'. The precautionary principle should therefore guide our work at all times.

During the 27th Session of the ISA Council last year, some progress has been made on further finetuning the draft regulations on deep sea mining exploitation. It is Belgium's hope that in the next two weeks and the following Council meetings in 2023 and beyond, **we will continue to work constructively on the elaboration of the regulations and the accompanying standards and guidelines in a more structured and efficient manner than has been the case so far.**

Belgium hereby commits to continue to actively contribute to the negotiations of the Rules, Regulations and Procedures of the International Seabed Authority. The task ahead remains enormous. *Two of the 3 working groups have, until now, not even progressed sufficiently to work with the text on the screen for discussion and adoption paragraph by paragraph. We hope that this will be the case in the next two weeks. In addition, many other issues are still under discussion and far from ready for adoption. The operationalisation of the Economic Planning Commission, the adoption of normative thresholds and standards and the establishment of regional environmental management plans are just some of them. Agreements on the royalty mechanism and benefit sharing arrangements are very far from being reached either.*

Mr President,

There have been many statements made over the last year. Whether we call it a Conditional Moratorium, a Precautionary Pause, a Precautionary Break, a Precautionary Delay, we all want to encompass the same reality: **there can be no exploitation of the deep seabed without agreeing on a set of rules and regulations that ensure high environmental standards and a sound scientific knowledge, and that avoid any significant harm to ocean biodiversity and marine ecosystems. We should not divide on labels but agree on conditions.**

As a Blue leader, it is the view of Belgium **that 3 conditions have to be in place cumulatively:**

- 1) The adoption of **robust, environmentally sound Rules, Regulations and Procedures**. The aim is hereby to reach an agreement on a regulatory framework that provides for the highest and most effective level of protection of the marine environment, including the fragile ecosystems and the global climate functions of the ocean from both short term and long term harmful effects which may arise from deep sea exploitation, based on the precautionary principle which, by its nature, does not allow for artificial deadlines by which time the regulations need to be finalised.
- 2) **More scientific independent research leading to sufficient and adequate scientific information** that allows for the establishment of a sound environmental baseline in order to achieve evidence-based decisions regarding the environmental impact of the activities.
- 3) Finally, Belgium would like to recall that the member states of the United Nations have committed to sustainably manage all areas beyond national jurisdiction, and above all to protect at least 30% of the ocean by 2030. For Belgium, it is crystal clear: **30% of the ocean must be protected qualitatively before we can approve any plan of work for exploitation.**

Upholding the precautionary principle, the start of any exploitation activity will need to be delayed until all those conditions are met.

Belgium would also like to share its flexibility as regards to the type of decision that will lead us to such a result.

We should at the same time adequately prepare for the new legal reality in which we will wake up after the end of the two year period on July 9th 2023, if the regulations are not finalised by then, and if a plan of work would be introduced in those circumstances. Legal uncertainty is the last thing anyone needs as far as deep sea mining is concerned. The stakes for humankind and the environment are too high. We should hereby at all cost avoid a situation in which the Council would sleepwalk into a decision after July 9th which a majority of the member states did not want to take. This again would be contrary to the precautionary principle.

Belgium is therefore happy that it was able , together with Singapore, to co-facilitate an intersessional dialogue on this matter. My Singaporean co-facilitator Soo Tet TAN and myself will present a briefing note to the Council next week summarising the exchange of views which took place during the Webinar on March 8th. During the Webinar, we saw various areas of convergence in the views expressed by members and observers. We hereby hope that enough time can be allocated to this discussion, especially since this Council meeting now in March is the last time the Council meets before the deadline of July 9th.

I thank you for your attention, Mr. President.