

Environment Working Group 20 March 2023

Intervention Deep Sea Conservation Coalition, WWF, Oceans North, TBA 21.

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This intervention by DSCC is also on behalf of WWF, Oceans North and TBA 21.

I think our objections are quite specific.

Consistent with your comment at the outset, and as highlighted by Germany and the Netherlands, it is highly relevant that the BBNJ Agreement on marine biodiversity has been concluded. Finally, a framework and mandate on the conservation of marine biodiversity - an issue of core relevance and importance to all of us - has been agreed by consensus of all States.

Its authoritative Principles and Approaches should be followed by the ISA parties, most of whom we presume will be party to the BBNJ Agreement, including in para 1(a)(i) the Precautionary principle: We thank the Netherlands for drawing our attention to the BBNJ language which includes “as appropriate” and would suggest that with so much uncertainty, the precautionary principle, rather than approach, certainly is appropriate here.

We also highlight an approach that builds ecosystem resilience, including to adverse effects of climate change and ocean acidification, and also maintains and restores ecosystem integrity, including the carbon cycling services that underpin the ocean’s role in climate; the use of the best available science and scientific information; an integrated approach to ocean management; and the use of relevant traditional knowledge of Indigenous Peoples and local communities.

Para 1(a)(iii) lacks a reference to independent and peer reviewed science as well as traditional knowledge. The best available science will not be obtained if stakeholders do not have the opportunity to bring forward independent scientific information.

In Para 1(a)(v) our indigenous colleagues remind us of the importance of underwater cultural environment, as so eloquently expressed by the kupuna (or native Hawaiian elder) this morning.

Paragraph (b) has no reference to ensuring no loss of biodiversity.

With respect to Paragraph (c) we note that mitigation is not sufficient; Article 145 requires that effective protection for the marine environment from harmful effects is ensured. Merely mitigating harm is not enough, moreover, mitigation, which is noted by many scientists as not being adequate or even meaningful, would require substantial understanding of the extent of the harm, including a baseline, which we do not have.

Paragraph (c) should not include reference to restoration and offset. We support DOSI’s comments and those of the United States in this regard.

In all of DR 44 there is no reference to cumulative impacts, including the impacts of climate change and noise, and the need to prevent environmental damage not only in areas directly impacted but in all affected areas.

Following international commitments such as the global biodiversity framework, there must be an imperative to "Ensure there is no loss of biodiversity, damage to the flora and fauna of the marine environment, or degradation of ecosystems and ecosystem services."

This is key to implementing Arts 145 and 194(5) and to ensuring consistency with the Sustainable Development Goals, in particular SDG 14, Target 2, as well as protecting biodiversity in the face of the growing biodiversity crisis.

Vinaka