

**Intervention by the International Union for Conservation of Nature**

*28<sup>th</sup> Session of the Council of the International Seabed Authority, Part I*

*General statement*

*24 March 2023*

Thank you, Mr. President.

Bula Vinaka! As this is the first time IUCN, the International Union for Conservation of Nature, is taking the floor for this 28<sup>th</sup> session, we would like to congratulate you on your election and express the Union's support and confidence in your leadership. We would also like to express our gratitude to the government of Jamaica for their very warm welcome. In addition, our *Vinaka Vakalevu*/thanks to the facilitators of the informal working group meetings, the distinguished delegates from Fiji and Nigeria, who excellently facilitated their respective sessions and to the Co-Facilitators, the distinguished delegates of Belgium and Singapore for their informative briefing note from the informal intercessional dialogue they facilitated which IUCN participated in and made written submissions for.

IUCN would like to draw the attention of delegates, as have others, to the recently concluded negotiations and finalisation of the text for the BBNJ Agreement. We commend the negotiators, observers and other experts, many of whom are in this room today, for their dedication and flexibility towards the conservation of marine biodiversity in areas beyond national jurisdiction and in reaching an agreement. IUCN also welcomes the recent successes of the Kunming-Montreal Global Biodiversity Framework, IMPAC5 in Vancouver and at the Our Ocean Conference in Panama and its pledges and commitments, among others. But as we still celebrate all these remarkable achievements, we now find ourselves here in a completely different atmosphere where delegates are working towards an arrangement that could undermine all our good efforts done elsewhere, namely, the Mining Code of the Authority.

As we are discussing the two-year rule, IUCN is of the view that rushing to complete the regulations in order to meet an artificial deadline is not advisable. As we have heard repeatedly from the Deep-Ocean Stewardship Initiative, there is a significant lack of scientific understanding and many knowledge gaps that do not allow the ISA to take necessary measures to ensure the effective protection of the marine environment, including to develop a robust set of regulations and standards for this purpose. This requires time and more careful considerations. While many delegations have expressed the view that there should be no mining in the absence of mining regulations, which we strongly concur with, we stress that there should be no adoption of mining regulations without the necessary science and until the effective protection of the marine environment from the harmful effects of mining can be guaranteed.

On this note, it is essential for delegates here to ensure uniformity between commitments entered into by states at various international fora and to ensure coherence across all these processes. Given the close relationship between the work of the ISA and the BBNJ Agreement with respect to marine biodiversity conservation and sustainable use in areas beyond national jurisdiction, delegates must take responsibility to ensure that any activities sanctioned by the ISA do not contradict the objectives and ambitions agreed under the BBNJ Agreement. Indeed, the final text of the BBNJ Agreement contains provisions relating to marine genetic resources, environmental impact assessments and area-based management tools that the Authority would need to respect.

Mr. President,

IUCN wishes to remind delegates of the triple planetary crisis of climate change, loss of biodiversity and pollution that we now find ourselves in. Our global ocean is facing unprecedented levels of threats jeopardising its health and productivity, and deep seabed mining will only exacerbate such threats. IUCN would also like to remind delegations of [Resolution 122 that was recently adopted at the IUCN World Conservation Congress in Marseille](#), calling for a moratorium on mining activities at the Authority until and unless certain conditions are met.

IUCN would like to reiterate that mining activities should not commence before rigorous and transparent environmental impact assessments have been conducted, the environmental, social, cultural and economic risks of deep seabed mining are comprehensively understood, and the effective protection of the marine environment can be ensured. Incorporating the precautionary principle, ecosystem approach, and the polluter pays principle throughout the regime is also essential. Likewise, institutional reforms and innovative decision-making structures that support effective stakeholder engagement, which also respects the need for the free, prior and informed consent of indigenous peoples and other affected communities, must also be introduced.

Other essential components, such as the financial terms that fully reflect the polluter pays principle, and a mechanism for the equitable sharing of benefits must also be agreed upon from the outset in order to ensure that any activities permitted by the Authority are carried out for the benefit of humankind as a whole.

Safeguards to ensure the above must feature repeatedly within the regulations, including within provisions relating to the protection and preservation of the marine environment, and must be in place before any deep seabed mining activities can be considered.

To conclude, IUCN welcomes its State Member, the Republic of Vanuatu, in committing to a precautionary pause and wish the distinguished delegate of the Republic of Vanuatu a Happy Birthday.

Thank you, Mr. President.