

14/7) General statement Kingdom of the Netherlands

- Thank you, mister President.
- Mr President, Secretary-General, distinguished delegates, good afternoon to all.
- Mister President, before turning to the matter at hand, our delegation wants to take this opportunity to make some remarks on our national position in relation to the prospect of exploitation activities in the Area and the Authority's ongoing work in this respect.
- The Kingdom of the Netherlands takes the view that any future deep sea mining activities can only take place if clearly demonstrated to be strictly within the capacity of the marine ecosystem, ensuring the continued health and resilience of the oceans and their biodiversity. In this respect, it will be crucial to have adequate and sufficient scientific knowledge about the marine environment and ecosystem of the deep sea.
- It requires a strict application of the precautionary principle, making sure that the effects of deep-sea mining on the marine environment and biodiversity have been sufficiently researched, the risks are understood and technologies and operational practices are able to demonstrate that the marine environment is not seriously harmed.
- On this basis, the Netherlands is committed to and actively engaging in the elaboration of a robust regulatory framework that provides for effective protection for the marine environment from harmful effects that may arise from deep sea exploitation activities, firmly within the legal framework of the Convention and the 1994 Agreement.

- Mr President, my government has on 4 July 2023 communicated to the Parliament of the Netherlands a further elaborated position in relation to the prospect of deep sea mining. I may add that, looking back, we managed to do so just in time.
- The Kingdom of the Netherlands takes the view that, as scientific knowledge is still insufficient and inadequate and the work on the exploitation regulations is not complete, the Authority is not yet in a position to take the step from exploration to exploitation. In this context, the Netherlands supports further scientific research into the effects of exploitation on the marine environment of the deep sea and its climate and ecosystem functions.
- Therefore, the Authority needs to continue, as a matter of priority, its work on the development of the necessary criteria and conditions for exploitation, in particular those in relation to the effective protection of the marine environment and robust scientific knowledge, and ensure that they become fully enshrined in the rules, regulations and procedures of the Authority. Only then will the Authority be in a position to review applications for exploitation and take informed decisions.

- Mr President, while the Netherlands finds itself substantively closely aligned with those positions expressing concern as to the uncertainties around the potential effects of exploitation activities on the marine environment, it is the choice of our government not to use a specific term or label in expressing our position. We agree in that respect with the sentiment conveyed in previous deliberations by our friends from Belgium and many other delegations, that at the current stage of our work in the Authority we should focus our time and efforts on agreeing on the necessary criteria and conditions. I will not though that our delegation finds itself in agreement with many of the points raised in the joint intervention delivered just now by the delegation of Costa Rica.

- Mr President, I will now turn to the outcomes of the informal intersessional dialogue.
- Before speaking to the substance, allow me to first join others in once again extending our appreciation to the co-facilitators from Belgium and Singapore for continuing their work in leading this dialogue. We wish to recognize that this is not an easy task and we thank them for their work and for issuing a second briefing note, which we consider both comprehensive and helpful. We also thank other delegations for their constructive engagement in the dialogue, ensuring another rich exchange of views on this complex issue.
- Our delegation submitted, together with Germany, written comments to the second informal dialogue and participated in the webinar.
- Let me reiterate the general basis on which we have been engaging in this discussion from the beginning and on which we continue to engage. For our delegation, two considerations are important in addressing the situation that has arisen after the activation of the two year rule.
- First, we need to provide clarity about the situation that has arisen after 9 July 2023. The lack of clarity and legal certainty give rise to a lot of questions and concerns, including the notion that the Authority is on the verge of giving the green light to exploitation activities in the Area, without having the necessary international rules, regulations and procedures in place. The situation requires a lot of explaining at the national level. We consider it incumbent on this Council to find a way to pronounce itself clearly in order to provide that clarity and to demonstrate that the Council is properly seized and in control of the matter.
- Second, we need to ensure that we continue our work on the regulations, and the accompanying standards and guidelines. On the basis of the Convention and the 1994 Agreement, we have an obligation to continue in good faith this work with a view to its timely finalization.

- Mr President, allow me finally to make a few more specific comments as to our submission to the intersessional dialogue.
- In the context of the review by the Authority of an application for a plan of work for exploitation, as I stated before, the necessary criteria and conditions against which to assess such applications have to be in place. It is for the Council to elaborate these criteria and conditions in order to enable the Legal and Technical Commission to perform its review function. In the absence thereof, the Commission will not have been enabled in accordance with the grounds stated in Annex III of the Convention to perform its review function. We believe that, consequently, the Commission will not be in a position to submit a recommendation for approval of such an application to the Council.

- To sum up, the Council needs to continue its work on the regulations, but also needs now to reach a common understanding on the situation under discussion today in order to provide the necessary clarity. In this respect, our delegation takes comfort in the fact that there is agreement in the Council that commercial exploitation of mineral resources in the Area should not be carried out in the absence of the necessary rules, regulations and procedures relating to exploitation. We are therefore confident that the Council will be able to reach that common understanding.
- On that basis, we see merit in continuing this discussion in an informal setting next week of Council and support the co-facilitators – if they are available and willing – to lead such further informal discussions.
- I leave it there for now and I thank you.