

STATEMENT BY NORWAY 2YR

- Thank you Mr. President.
- Let me start by thanking the facilitators for convening the intersessional dialogue and for presenting an extremely useful and informative briefing note that should serve as the basis for our further discussions.
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- Our positions on the topics under discussions have been stated before so I see limited utility in rearticulating them now. As stated by the Netherlands we look forward to discussing these issues further, and if possible, under your very able leadership.
- Let me instead take a step back and speak briefly about Norway's position on best to approach the current situation with the 2y deadline expired without mining regulations having been adopted.
- Norway remains committed to our legal obligations under the Convention on the Law of the Sea, including the 1994 Implementation Agreement. As is not widely recognized, the Convention sets out the legal framework within which all activities in the ocean and seas must be carried out, including the development of the mineral resources of the Area, which are the common heritage of humankind.
- It follows directly from UNCLOS that we have an obligation to develop regulations for both exploration and exploitation of the mineral resources in the Area, for the benefit of humankind as a whole.

- When the two years rule was triggered that also launched a two year timeline for the Council to finalize the exploitation regulations. As stated earlier, Norway is committed to our UNCLOS obligations and we are concerned about our collective failure to adhere to the established 2 year deadline.
- Let me be completely clear once more: Norway agrees with the objective that mining should not occur without the complete mining regulations in place. Furthermore, we have repeatedly said that we will not support any mining activity until and unless there is clear scientific evidence that it could be done safely and with robust protection of the marine environment, including a strict application of the precautionary principle, as well as clear mechanisms for inspection, enforcement and compliance and a mechanism for the equitable sharing of financial benefits from activities in the Area.
- However, we fail to see how it is reconcilable with our obligations under UNCLOS, to state in the abstract that a work plan submitted under the two-year rule cannot be considered until regulations have been adopted. Such an approach would deprive states parties from exercising their clear rights under the convention and would essentially enable any Council member to inhibit this vital part of UNCLOS from being put into operation, as UNCLOS proscribes that the regulations shall be adopted by consensus.
- In our view, the best way to avoid a situation whereby a work plan will have to be considered in the absence of regulations is for the Council to redouble its good faith efforts to finish the regulations.
- We therefore hope that as part of our discussions about a decision under this agenda item we can discuss a renewed timeline with a definitive target date for when the regulations

should be finalized. Such a target date would have to be realistic in terms of achieving a solid, robust and environmentally friendly regulatory framework, while also holding us accountable to our common objective to finish our work in a timely fashion. Hopefully, it can also incentivize states that are contemplating submitting work plans under the current situations without a mining code in place absence of regulations to delay their decision until the Council has finished its work.

- Thank you.