

Pew Charitable Trusts Statement on Annual report of the SG -at 28th Session of the ISA Assembly

Mr President -thank you for giving me the floor -having spoken already this session, this leaves me to acknowledge and thank the President of Nauru PM of Cooks Islands and Ministers present for taking an interest in our important work -and welcome Rwanda to the ISA family. Murakaza neza. I would also like to reiterate my thanks to the ISA staff for their hard work and efforts.

The ISA stands at a crossroads – it is up to you, members of the Assembly which path to take:

- a pathway towards accelerated unregulated extraction that will cause damage to the seabed that will outlast humanity, (and in contravention of your duties to preserve the marine environment)

- or a pathway of precautionous deliberation in keeping with your obligations under UNCLOS and wider international commitments, such as the SDGs, CBD targets and recently adopted BBNJ Agreement -a pathway that would ensure any mining could only go ahead if this can be in conformity with commitments to protect the marine environment and deliver upon the principle of the common heritage of humankind.

Since Pew's engagement at the ISA over the last eight years we have been working in good faith to help States towards this second path through the elaboration of a robust and precautionous mining code, primarily through the code project -a team of independent legal and technical experts who have been able to provide a detailed commentary on the development of the RRP's - which forms the basis for many of our interventions and submissions on the mining code. We have also supported a variety of reports and research to ensure we have the necessary science to inform evidence-based decision making.

For example, we recently supported work by the Natural History Museum analysing benthic species of the CCZ, which as ISA press release stated yesterday, resulted in the first species checklist for the CCZ and showed that 90% of species remain undescribed and thousands more remain undiscovered - clearly demonstrating both the immense biodiversity of the CCZ and the amount of scientific work ahead of us.

Pew has also hosted and supported a series of webinars and workshops to promote awareness among ISA members on regional environmental management plans, on an appropriate inspection, compliance and enforcement mechanism, best practices in environmental impact assessments and most recently on Benefit Sharing - a largely overlooked topic to date.

Mr President, we hope our continued and focused engagement in the proceedings provide useful, independent, and expert input to help inform your decision-making on issues that have planetary consequences.

Through our engagement at the ISA we have identified the following key issues facing member states at the ISA,

1. As I outlined on the opening day under the debate regarding the report of the work of the Council, despite hard work and some small progress we are very, very far from completing the regulations and associated standards and Guidelines.
2. We are farther again from having the scientific evidence to underpin the elaboration of the RRP's and S&G, and even further away from having the scientific evidence to apply any RRP's.
3. We also have concerns about issues of Governance and how the ISA will ensure it is properly accountable to its membership, and able to take legitimate decisions, that will generate the trust and confidence of the general public.

Mr President I wanted to share with members of the Authority the results of an independent legal opinion we received from eminent international law experts on: whether a moratorium or precautionary pause on seabed mining is consistent with States's obligations under UNCLOS.

Its key conclusions include: that a moratorium or precautionary pause is not only consistent with UNCLOS but, on current conditions, is actually required by it.

Accordingly Pew welcomes the 21 States -and growing- calling for a precautionary pause or moratorium -and calls on others to both join these calls and operationalise this call through decisions of the Assembly and Council.

QR-codes to an overview of this legal opinion as well as several of the studies I mentioned are available at the document desks.

Mr President, I now turn to the work this week: we join others to consider deferring the renewal of the Strategic Plan until after the overdue Article 154 Periodic Review has taken place, and a broad range of relevant stakeholders have been able to give their feedback. Which can then inform the next Strategic Plan. It's an obligation under UNCLOS and basic institutional accountability, to evaluate past performance to inform a new plan. It also comes as a pivotal moment in this institution's history as it considers what needs to be prioritized going forward .

Equally the Assembly needs to take the time this week to consider the general policy as proposed by Chile, Costa Rica, France and Vanuatu and enjoying wide support of this Assembly. It's clearly within the remit of this body, there have been no valid procedural concerns that have been raised -and it is at the crux of this cross road.