

Twenty-eighth session of the Council (Part III) of the International Seabed Authority
(30 October – 8 November 2023)

Statement of the Philippines

"Thank you Mr. President. We would like to take the opportunity to thank you for your leadership, and to thank the participants and the secretariat for all the efforts done so far.

The Philippines would also like to reiterate its appreciation to Secretary General Michael Lodge, Dr. Marie Bourrel-McKinnon and the ISA Secretariat team for their invaluable contribution to the successful conduct of the ISA-Philippines National Capacity Development Workshop on Deep-Sea Matters in Manila last month.

Mr. President, the Philippines recognizes that it is prudent to have regulations in place considering the urgent desire by some entities to start mining the Area for resources.

The Philippines submits that such regulations should not only be in accordance with the Convention (UNCLOS) and the 1994 Agreement, but should go further and serve to promote and facilitate the provisions, as well as the intent and ideals enshrined in the Convention and the 1994 Agreement.

In particular, the Philippines highlights the fundamental obligation of States to protect and preserve the marine environment. The nature, scope and content of this general obligation under Part XII of the Convention, as the Tribunal noted in the South China Sea Arbitration Award of 12 July 2016, is informed by and is in harmony with the existing corpus of international law on the environment. For example, States have the specific obligation to take measures necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life. And these measures should extend to the prevention of harms that would affect these species indirectly through the destruction of their habitat.

The Philippines also wishes to highlight the recent adoption of the BBNJ Agreement, which is intended to ensure conservation, sustainable use, and equitable sharing of benefits of marine biological diversity in areas beyond national jurisdiction.

The Philippines also emphasizes that the environmental impacts of deep sea mining are not yet fully known and there is a need for more research on this matter.

In this regard, the Philippines urges States to ensure that the regulations on exploitation of mineral resources in the Area promote full compliance by States of their obligation to protect and preserve the marine environment, in line with the Convention, the 1994 Agreement, and the existing and emerging body of international environmental law, before any actual mining activities are undertaken in the Area. Thank you Mr. President."