

GP Statement - Agenda item 20

Dear delegates,

We have listened carefully to the different views of Member States about what has been called “the incident” in the Nori-D area. We ask that you not lose sight of the fact that “the incident” was not something that randomly happened: it was a protest. And protest is a fundamental right that is recognised under human rights instruments, international conventions and resolutions of international organisations, most of which you are members of.

Protest **at sea** has been recognised as a lawful use of the high seas by international courts.

We would like to make a few remarks that we believe are important in this case.

Firstly, we categorically reject allegations made by NORI, Nauru and Tonga that the Greenpeace protest was unsafe, **non-peaceful** and endangered human life at sea. As explained by The Kingdom of the Netherlands, at the request of the Danish Maritime Authority and the President of Nauru, The Netherlands Human Environment and Transport Inspectorate conducted an investigation reviewing the conduct of the MV Arctic Sunrise and its crew.

The investigation included a statement of facts and video footage provided by the crew of the MV Coco, the vessel chartered by NORI. It concluded that “*safety of navigation was not compromised and that the manoeuvres of the MV Arctic Sunrise towards the MV Coco would not qualify as dangerous or unlawful*”. Greenpeace activists train extensively to conduct their demonstrations safely - and have done so for 50 years. Risks are minimised to the fullest extent possible. Remaining risks are taken by activists who choose to take that risk to protect our global commons. They do not do so lightly.

Secondly, we categorically reject that our two inflatable, four metre-long kayaks, paddling around the MV Coco could in **any way** pose an immediate threat of serious harm to the marine environment, which is the condition upon which the immediate measures, enacted by the ISA Secretary General, were predicated. The Immediate Measures were entirely inappropriate to this situation, as explained in the information note submitted by Greenpeace that you can find on the ISA website.

Whether you agree or not with the reasons for a protest on a particular issue, it needs to be recognised that law has evolved and improved thanks to the courageous

protests of citizens, civil society and indigenous groups. This is the case for a wide range of social and environmental issues.

With respect to proposals to create mandatory safety zones around vessels engaged in activities in the Area, we believe this is **not consistent** with UNCLOS and with the competences it confers to the ISA. In relation to the comments by **Spain, Mexico, Fiji** and others about such safety zones, we further remind delegates that they should serve safety purposes, such as preventing collisions. They **must not** be designed to prevent protests, as is clearly the case here. We thank those delegations who recognise this and have opposed additional measures to limit peaceful protests at sea.

With respect to the statements by Nauru about Greenpeace International's observer status with the ISA, Article 145 of the Convention mandates the protection of the marine environment from harmful effects which may arise from activities in the Area. It is indisputable that Greenpeace's purposes and activities are related to this responsibility of the Authority, and that our observer status should not be in question here.

Many in this room are appalled to witness how a single private company is committed to mining the oceans next year, irrespective of scientific warnings and political negotiations. The repeated announcement by The Metals Company that they will apply for a plan of work in the **absence** of agreed rules, as stated again yesterday at NORI's side event in this conference building, is a testament to the need to stand up **against** this industry.

You are here to effectively protect the marine environment in the common heritage of humankind. Twenty-five States are already supporting a moratorium, a precautionary pause or a ban on deep sea mining, and the Council has reached consensus twice that deep sea mining should particularly not start in the absence of any rules. It is **imperative** not to permit deep sea mining to start.

Let us finish by reminding you that this issue is **not** about a single mining company and Greenpeace. We should not lose sight of the fact that the start of deep sea mining is opposed by indigenous peoples, youth groups and the environmental movement at large. Notwithstanding the opposition of multiple banks, insurers, seafood companies, battery and car manufacturers, and renewable energy agencies. Hundreds, yes hundreds, of groups and **millions** of people from all over the world stand against the prospect of mining the deep ocean.

Different organisations will choose different ways to protest against deep sea mining and defend the future of the oceans - at sea, on land and through participation here at the ISA. And their rights to do so must be respected.