



## **FINAL DRAFT**

Statement Delivered by H.E. Surangel S. Whipps Jr., President of The Republic of Palau  
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### **“A Line in the Seabed”**

Thank you, Mr. President. As this is the first time I am taking the floor during this Assembly, I would like to express Palau’s gratitude to you for guiding our work. I also wish to acknowledge the report of Madam Secretary-General and affirm Palau’s full support for your leadership and stewardship of this august Authority since your appointment.

Let me also take this opportunity to thank our gracious hosts, the Government and people of Jamaica, for your warm welcome and generous hospitality on your beautiful island.

Excellencies, colleagues, and friends,

It is my honour to address this Assembly today on behalf of a big ocean state: large in resolve, and unwavering in our commitment to protect the common heritage of humankind.

Today, we once again stand at a decision point that will define the fate of our shared seabed – the largest living space on Earth and our largest carbon sink. As I have reminded the world many times: the deep seabed is not a barren wasteland, but a vast, vibrant realm that stabilises our climate, feeds our fisheries, and is home to ancient and unknown lifeforms. Once disturbed, it cannot be restored.

We now understand enough about deep ocean ecology to know that deep-seabed mining poses significant environmental risks to fragile, interconnected ecosystems that help sustain all life on our planet.

If mining commences, it could have far-reaching consequences, especially for coastal communities like Palau, who rely on a healthy ocean for our survival. The Area lies in the

Pacific Ocean, in our very backyard. It is our waters and our peoples who will feel the potentially devastating environmental impact first. In short, exploiting the seabed is not a necessity – it is a choice. And it is reckless. It is gambling with the future of Pacific Island children, who will inherit the dire consequences of decisions made far from their shores.

For years, deep-seabed mining has been marketed as green, but in reality, it is soaked in risk and deception. Last year, when I addressed this Assembly, I said: in our haste to solve one problem, we must not create another even larger one. This year, the evidence is clear: we are already moving in the wrong direction.

We are rushing to prepare regulations atop a foundation of scientific uncertainty, in direct contradiction of our obligation under Article 145 of UNCLOS to protect the marine environment.

But we must ask ourselves, what is driving this urgency to complete the regulations? The timeline identified by Council in 2023 was only indicative. It was never binding and should not override our duty to act with care. This is not urgency born of science, but acceleration shaped by external pressure. We must be guided by principle, and not by artificial deadlines.

UNCLOS does not require a deadline for the Mining Code. What UNCLOS *does* require is that we uphold its principles – using the latest science, wisdom, and legal clarity to guide us.

Independent science tells us we are at least a decade away from the knowledge we need, and with over thirty core regulatory issues unresolved, fast-tracking decisions risks hollowing out this Authority's credibility.

Let us face facts. We are simply not ready.

When this Authority was established in 1994, we knew little about the potential harm of deep-seabed mining. We hoped it might bring shared wealth to all. But now we know better.

Mining the seabed would leave behind a shared ecological debt so vast, our children would pay the price for lifetimes. It is not a deposit into the future; it is an overdraft against the planet's life-support system.

The knowledge landscape around deep-seabed mining is riddled with gaps - in science, in governance, and in participation. Too often, these gaps are papered over with processes that favour the well-resourced. For small delegations like Palau's, the pace and structure of negotiations - driven by the manufactured urgency to finalise regulations - make meaningful participation an uphill battle. This is not inclusive governance. It is selective exclusion.

For years, one company - The Metals Company - lobbied this Authority to fast-track exploitation, promising riches to small island developing states like mine and huge returns to investors. These promises have proven false. Now, having failed to gain legitimacy, TMC seeks

to mine unilaterally, invoking a domestic law that has been widely discredited under international law. That is legal exceptionalism and an assault on multilateralism.

Let us be clear: this crisis was not created by States, but by corporate interests. Palau therefore renews its call now, joined by 37 States, for a moratorium, precautionary pause, or ban on deep-seabed mining in the Area.

And we must acknowledge this inconvenient truth: that some of our Pacific brothers and sisters are considering mining not out of greed, but out of desperation. As loss and damage climate finance goes undelivered, and they face the stark reality of living on the frontline of the climate crisis, and the financial burden and human rights burdens that entails, they face difficult choices.

We must respond with solidarity and we must work together on pathways for alternative financing borne from regenerative ocean solutions. Solutions that facilitate stewardship over sacrifice.

The ISA is a UN instrument, and the UN has 17 Sustainable Development Goals, including SDG14 Life below Water, which Palau fought for, and championed. I urge all Member States and this Secretariat to recall what those goals were designed to achieve, and to listen to the latest guidance from the UN.

In May this year, the UN Special Rapporteur on Human Rights and Climate Change issued a stark warning: deep-seabed mining poses irreversible risks to ocean health, the climate, and human rights. They called for a precautionary pause - not as a recommendation, but as a legal obligation. The UN Scientific Advisory Board likewise warned that DSM brings high risk, high uncertainty, and low reversibility. They also call for a precautionary pause. We echo those calls.

If we are here to uphold UNCLOS, how can we justify ignoring this UN guidance? If the UN says pause, why are we accelerating?

And let us not pretend we are powerless. Every UNCLOS State Party has legal obligations. Palau will not allow our companies, our nationals, or our name to be used in violation of international law. We urge others to make the same commitment.

And we cannot press forward with exploitation regulations while sidelining the urgent need for a General Policy for the Protection of the Marine Environment. Palau, alongside Chile, Costa Rica, France, and Vanuatu, championed that proposal in 2023, which is now backed by widespread international support.

After two years of deliberation, we are pleased to see this critical issue finally reflected on the agenda at this meeting. We thank Chile for its continued leadership and tireless efforts in

championing this important proposal, and we call on all Member States to engage with it in good faith.

I want to remind us all that Article 145 is not optional. It is an obligation. And the continuous pushback only underscores how vital this discussion is.

As we look to the future of the Authority, we urge a comprehensive review under Article 154 – to modernise its structure, mandate, and formalise alignment with the BBNJ Agreement and Kunming-Montreal Biodiversity Framework. We do not operate in a legal vacuum. Our decisions must reflect broader international law – including frameworks on human rights, the rights of nature, Indigenous rights, and biodiversity protection. Yet we continue to sideline the very voices that defend these principles. Scientists, Indigenous leaders, and civil society all have a vital role to play in this process. If we fail to include and consult them meaningfully, it's not governance – it's gatekeeping.

In Palau, our legend of Latmikaik, the ancestral mother, illustrates the inseparable connection between land and the deep sea. In Palauan culture, Latmikaik is the origin of all life. And the ocean, particularly the deep ocean, is where her descendants still reside. This interconnectedness mirrors the reality for many Pacific cultures: our ancestors, spirits, and future generations are bound to the deep ocean and seabed, making its protection not just an environmental obligation but a cultural imperative.

A standing committee under the ISA would ensure that cultural heritage is not treated as an afterthought but is systematically considered before any deep-sea mining activities commence. This committee should also ensure that Indigenous Peoples and Local Communities have a formal role in decision-making, particularly through Free, Prior, and Informed Consent mechanisms when their cultural heritage is affected.

Palau believes in the potential of this Authority. We do not come to dismantle it, we come to rebuild trust in it.

The ISA has the opportunity to lead the world by becoming a visionary hub for cutting-edge science, ocean discovery, intergenerational equity, and environmental governance. A place where financing is drawn from regenerative, not extractive, sources. Where benefit-sharing is built in from the start – not added on as an afterthought. Where Indigenous knowledge and underwater cultural heritage are not only respected, but fully integrated. And most importantly, a place where the voices of those who depend on the ocean - and have protected it for generations - are heard, heeded, and centered. The ocean is not just a resource to Pacific Islanders. It is our lifeblood. It is ancestral. And it is alive.

Palau was the first nation in the world to ban bottom trawling within our waters - because we understood the devastation it causes. But the scale of strip mining proposed in the

Clarion-Clipperton Zone is unprecedented. The area under consideration is the size of India. Is this the legacy we want to leave our children? A lifeless ocean floor stretching across millions of square kilometres, that could have cascading impacts on the entire Pacific ecosystem and beyond?

History shows multilateral courage can prevail. We protected the ozone layer. We banned nuclear testing. Let us add the deep seabed to that honour roll.

As this Authority charts the course ahead, youth are watching – and speaking out. They are calling not only for precaution, but for inclusion. We echo their call for youth and Indigenous voices to be part of the decisions shaping the ocean's future, not observers to it. We also urge our friends across the world to join the growing chorus in championing precaution and rejecting false urgency. A moratorium is not delay – it is the only responsible path forward in the face of uncertainty.

This is a line in the seabed. We are not calling for delay on progress, we are calling for wisdom. For science over speculation. For guardianship over greed.

This is not anti-development. It is responsible stewardship. The ISA can lead in that. Let us be remembered not as the generation that tore up the ocean floor for short-term profit - but as the generation that stood up for the deep, for the planet, and for each other.

Kom kmal mesulang. Thank you.