

**REVISED POSITION BASED ON DISCUSSION AT LDAC WG5 Meeting – Brussels 28 March 2019**

**LDAC DRAFT Position on deep-sea mining**

*Reference: R-04-19/WG5*

Recognizing that deep-sea scientists have expressed concern over the environmental impacts of deep-sea mining, that biodiversity loss is inevitable if deep-sea mining is permitted to occur and that this loss is likely to be permanent on human time-scales given the slow rates of recovery of deep-sea ecosystems;<sup>1</sup>

Noting that a number of these impacts, such as chemical and sediment plumes generated by mining, as well as noise and light pollution, may also impact deep-sea fisheries, in particular, though not limited to, deep-sea fisheries in the North Atlantic resulting from the mining of polymetallic sulfides on the Mid-Atlantic Ridge and Arctic Mid-Ocean Ridge;

Noting the concerns raised by civil society organisations world-wide over the potential irreversible damage to pelagic and deep-sea benthic ecosystems, including in seabed areas beyond national jurisdiction, established under the UN Convention on the Law of the Sea as the common heritage of mankind<sup>2</sup>;

Noting that the need for deep sea mining has not been demonstrated and that demand for metals through sustainable production and consumption, as called for under UN Sustainable Development Goal (SDG) 12, through improving the environmental and social performance of terrestrial mining, the sharing economy, better product design, new and innovative technologies and circular economy initiatives, among others, offer concrete means to meet future metals demands;

Noting also the commitments in SDG 14 to conserve and sustainably use the oceans, including through avoiding significant adverse impacts on marine ecosystems, strengthening their resilience, and taking action for their restoration to achieve healthy and productive oceans; and SDGs 2,3, and 17 on ending hunger, improving health and well-being, and building sustainable partnerships;

Noting the need for a strong precautionary approach, given the many uncertainties and clear warnings by scientists;

Noting that in the international areas of the world's oceans where exploration licenses have been issued by the International Seabed Authority, which include the Mid-Atlantic Ridge, the mid-ocean ridges in the western Indian Ocean, and the central eastern North Pacific are important areas for commercially fished species such as tunas as well as important areas of migration for cetaceans, sea turtles and other species potentially impacted by seabed mining activities;

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<sup>1</sup> C. L. Van Dover et al. *Nature Geoscience*. 10, 464 (2017).

<sup>2</sup> Joint NGO call on the International Seabed Authority: Protect the marine environment from harm! Submission on the ISA's Draft Strategic Plan (2018)

Noting the scientific knowledge gained, and efforts made to date, by RFMOs to manage deep-sea fisheries on the high seas to prevent significant adverse impacts on vulnerable deep-sea ecosystems and deep-sea biodiversity to implement UN General Assembly resolutions 61/105 and subsequent resolutions;

The LDAC agrees with the provisions of the resolution on international ocean governance adopted by the European Parliament in January 2018 regarding deep-seabed mining which *“Calls on the Commission and the Member States to support an international moratorium on commercial deep-sea mining exploitation licences until such time as the effects of deep-sea mining on the marine environment, biodiversity and human activities at sea have been studied and researched sufficiently and all possible risks are understood”*;<sup>3</sup>

We would also note that the Special Envoy of the UN Secretary- General for the Ocean, at the Ocean Day at the meeting of the World Economic Forum in Davos in January 2019 echoed the European Parliament resolution in this regard, highlighting the decision by the UN General Assembly to establish 2021-2030 as the UN decade for Ocean science and stating: *“why wouldn’t we give that decade its full run before we start even thinking about disturbing the seabed of the high seas, we are talking a moratorium [on deep-sea mining] of 10 years in that case”*.<sup>4</sup>

In addition to scientific concerns, we note concerns over the way the International Seabed Authority (ISA) is structured and operates and again support the European Parliament’s concerns in this respect on its resolution in which stresses that *“ensuring transparency, including public access to information, stakeholder involvement, public participation in decision-making and access to justice in environmental matters as required under the Aarhus Convention... is a matter of priority in addressing existing governance shortcomings; calls on the Member States and the Commission to work through the ISA in order to ensure transparency in its working methods and its effective capacity to assess environmental impacts, as well as ensuring the effective protection of the marine environment from harmful effects and the protection and preservation of the marine environment, as required under Parts XI and XII of the UN Convention of the Law of the Sea”*;<sup>5</sup>

Moreover, we would note that any deep-sea mining permitted in the international areas of the world’s oceans is to be done for the “benefit of (hu) mankind as a whole” under the UN Convention on the Law of the Sea and should require a decision-making structure that ensures that the international community as a whole agrees that this is the case;

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<sup>3</sup> European Parliament resolution of 16 January 2018 on international ocean governance: an agenda for the future of our oceans in the context of the 2030 SDGs (2017/2055(INI)). Paragraph 41.

<sup>4</sup> Comments by Peter Thomson, UN Secretary General Special Envoy for the Ocean, at the World Economic Forum in January 2019 as quoted in the Statement by Algeria on behalf of the African Group to the 25<sup>th</sup> Session of the Council of the International Seabed Authority, 25 February 2019. <https://www.isa.org.jm/document/algeria-obo-african-group>

<sup>5</sup> European Parliament resolution of 16 January 2018 on international ocean governance. Paragraph 21.

**In view of all the above, given the serious concerns expressed by scientists and civil society, and the likelihood of negative and potentially severe impacts on fisheries and fish species, other marine species and the marine environment from deep-sea mining, THE LDAC RECOMMENDS THAT:**

- 1. A moratorium on mining of the deep-sea needs to be in place in international waters without exemptions until the risks are fully assessed and understood;**
- 2. No deep seabed mining in the international areas of the world's seabed under the jurisdiction of the International Seabed Authority should be permitted unless a very clear case can be made that society must mine the deep-sea for the benefit of humankind as a whole and not simply because it may be economically viable and profitable to an individual company or country.**
- 3. The case for deep sea mining needs to be evaluated in light of commitments to conserve and sustainably use the oceans, including through strengthening the resilience and taking action for the restoration of marine ecosystems, as well as initiatives to transition to circular economies, sustainable methods of consumption and production and related efforts as called for in the SDG 2030 Agenda.**
- 4. That the European Commission and Member States stop funding, facilitating or promoting the development of deep-sea mining and deep-sea mining technology and support the above-mentioned objectives.**