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Recommendations on deep-sea mining for COP-15 to amend the draft Decision on Marine and Coastal Biological Diversity December 2022

Scientists have warned that biodiversity loss would be unavoidable if deep-sea mining is permitted to occur, that the loss of biodiversity as a result of mining in the deep sea is likely to be permanent on human time-scales and that the notion that biodiversity offsets can compensate for the loss of biodiversity in the deep sea is ‘scientifically meaningless’.¹ More recently, over 600 scientists have called for a pause on deep-sea mining given “the direct loss of unique and ecologically important species and populations as a result of the degradation, destruction or elimination of seafloor habitat, many before they have been discovered and understood” likely to be caused by mining and that “there is a paucity of rigorous scientific information available concerning the biology, ecology and connectivity of deep-sea species and ecosystems, as well as the ecosystem services they provide. Without

¹ Van Dover, C.L., Ardron, J.A., Escobar, E., Gianni, M., Gjerde, K.M., Jaekel, A., Jones, D.O.B., Levin, L.A., Niner, H.J., Pendleton, L. and Smith, C.R., 2017. Biodiversity loss from deep-sea mining. *Nature Geoscience*, 10(7), pp.464-465.

this information, the potential risks of deep-sea mining to deep-ocean biodiversity, ecosystem and functioning, as well as human well-being, cannot be fully understood.”²

Subsequent to the entry into force of UNCLOS, States have repeatedly committed, through the CBD, the Rio+20 conference, the 2030 Sustainable Development Goals and other processes and instruments, to apply the precautionary approach, halt and reverse the loss of marine biodiversity, take action to restore degraded ecosystems and build the resilience of marine ecosystems to better withstand impacts of climate change and continue to act as carbon sinks. In the meantime, the International Seabed Authority (ISA) has issued 31 licenses for exploration for mineral resources covering some 1.5 million square kilometres of the international seabed area and is poised to begin taking applications to authorize large-scale commercial deep-sea mining as early as the 2nd half of 2023.³

In light of these concerns and the abovementioned political commitments and legal obligations, a number of countries including Costa Rica, Chile, Ecuador, Federated States of Micronesia, Fiji, Germany, New Zealand, Palau, Panama and Spain have called for a precautionary pause or moratorium on deep-sea mining by the ISA and France has called for an outright ban on deep-sea mining.

RECOMMENDATION

The draft CBD document “Conservation and sustainable use of marine and coastal biodiversity, Draft recommendation submitted by the Chair” (CBD/SBSTTA/24/CRP.2) contains the following paragraph on deep-sea mining:

Paragraph 9

“*Encourages Parties and invites other Governments to minimize and mitigate the impacts of deep-sea mining on marine and coastal biodiversity as well as its impacts on other uses of the marine environment;*”

In our view this is clearly inadequate and inappropriate given the increasing calls for a precautionary pause, moratorium or ban on deep-sea mining in the international seabed area and scientists’ warnings regarding the risk of large-scale and irreversible loss of biodiversity likely to occur if the ISA begins issuing deep-sea mining licenses.

In light of the abovementioned obligations and commitments and the urgency for the CBD COP-15 to adopt a clear recommendation on protecting marine biodiversity, we recommend amending paragraph 9 of the draft decision on marine and coastal biological diversity in document CBD/SBSTTA/24/CRP.2 as proposed by Jordan and supported by Denmark and the DSCC in the compilation document CBD/SBSTTA/24/L.12/Annex-II:

***“9. ~~Encourages~~ URGES Parties and invites other Governments to minimize and mitigate the impacts of deep-sea mining on marine and coastal biodiversity as well as its impacts on other uses of the marine environment prohibit any deep seabed mining that may cause loss of biodiversity, damage to the flora and fauna of the marine environment, degradation of the resilience of marine ecosystems and ecosystem*”**

² Deep-Sea Mining Science Statement at <https://www.seabedminingsciencestatement.org/> See also Amon et al., *Assessment of scientific gaps related to the effective environmental management of deep-seabed mining*, Marine Policy, March 2022 <https://doi.org/10.1016/j.marpol.2022.105006>

³ <https://www.theguardian.com/environment/2021/sep/27/race-to-the-bottom-the-disastrous-blindfolded-rush-to-mine-the-deep-sea>

services including carbon sequestration, or compromise the ecological integrity of deep-sea and open ocean ecosystems.”

We would also urge the adoption of a new subparagraph:

Encourages Parties and invites other governments to work to ensure that the International Seabed Authority (ISA) agrees to a moratorium and does not permit deep-sea mining unless the risks to biodiversity in areas beyond national jurisdiction are fully understood and the loss of biodiversity can be prevented, and that the ISA is reformed to ensure that any decisions taken by the ISA are done transparently and for the benefit of humankind as a whole, both present and future generations.

Justification: Global political commitments for biodiversity conservation

Part XI of the UN Convention on the Law of the Sea (UNCLOS), in Article 145, obligates the International Seabed Authority **“to ensure effective protection for the marine environment from harmful effects which may arise from such [mining] activities”**, and to **“adopt appropriate rules, regulations and procedures for... the prevention of damage to the flora and fauna of the marine environment”**. Moreover, Part XI requires that any activities authorized by the International Seabed Authority **“be carried out for the benefit of mankind as a whole”** (Article 140) and that the ISA acts **“on behalf of mankind as a whole”** (Article 143).

- In 2012, at the United Nations Conference on Sustainable Development (Rio+20), Heads of State and Government and high-level representatives **committed to “protect, and restore, the health, productivity and resilience of oceans and marine ecosystems, to maintain their biodiversity, enabling their conservation and sustainable use for present and future generations”**. They further called for **“urgent actions that effectively reduce the rate of, halt and reverse the loss of biodiversity”** (The Future We Want, Paragraphs 158 & 198)

- In 2015, the United Nations adopted the 2030 Agenda for Sustainable Development including Sustainable Development Goal (SDG) 14 **“to conserve and sustainably use the oceans, seas and marine resources for sustainable development”**. **SDG target 14.2 commits States to “by 2020 sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience and take action for their restoration, to achieve healthy and productive oceans”**.⁴ At the same time, SDG 12 reflects a commitment **“to ensure sustainable consumption and production patterns”** and, SDG 8 commits States to **“endeavour to decouple economic growth from environmental degradation”**.

- In 2018, CBD COP14 adopted the Ministerial Declaration on Investing in Biodiversity for People and Planet which called for mainstreaming biodiversity considerations in the energy and mining sectors. It urged parties **“to increase their efforts with regard to addressing the potential impacts of deep-seabed mining on marine biodiversity.”** (Decision 14/10, paragraph 1, CBD COP14)

- In 2021, the European Parliament adopted the "European Parliament resolution of 9 June 2021 on the EU Biodiversity Strategy for 2030: Bringing nature back into our lives (2020/2273(INI))" which include the following paragraphs:

The European Parliament

⁴ <https://unstats.un.org/sdgs/metadata/?Text=&Goal=14&Target=14.2>

“184. Highlights that the deep sea is believed to have the highest biodiversity on Earth and provides critical environmental services, including long-term carbon sequestration...deep-seabed mining is highly likely to cause inevitable and permanent biodiversity loss...calls on the Commission and the Member States to **promote a moratorium, including at the International Seabed Authority, on deep-seabed mining 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 deep seabed mining can be managed to ensure no marine biodiversity loss nor degradation of marine ecosystems**; emphasises the need for the Commission to cease funding for the development of seabed mining technology in line with a circular economy based on minimising, reusing and recycling minerals and metals;”⁵

- In September 2021, at the IUCN World Conservation Congress, forty-four ministries and/or government agencies from 37 countries together with 531 civil society organizations and indigenous peoples’ organizations voted in favor of motion 069 – “**Protection of deep-ocean ecosystems and biodiversity through a moratorium on seabed mining**” calling for a moratorium on deep-sea mining by the ISA.⁶
- As of November 2022, over 90 Heads of State have signed the **Leader’s Pledge for Nature, United to Reverse Biodiversity Loss by 2030** for Sustainable Development.⁷

Recent Reports on the state of the world’s oceans and biodiversity

- In 2015, the United Nation’s First World Ocean Assessment stated that “**the richness and diversity of organisms in the deep sea exceeds all other known biomes and supports the diverse ecosystem processes and functions necessary for the Earth’s natural systems to function**”. The report concluded that the deep ocean is increasingly facing multiple environmental stressors from pollutants, plastics and climate change impacts such as acidification, warming, and deoxygenation.⁸
- In May 2019, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) released a ground-breaking report warning that “**a million species already face extinction, many within decades, unless action is taken to reduce the intensity of drivers of biodiversity loss**”.⁹

⁵ https://www.europarl.europa.eu/doceo/document/TA-9-2021-0277_EN.pdf

⁶ <https://www.iucncongress2020.org/motion/069, now Resolution 122>.

⁷ <https://www.leaderspledgefornature.org/>

⁸ Inniss, L., Simcock, A., Ajawin, A.Y., Alcalá, A.C., Bernal, P., Calumpong, H.P., Araghi, P.E., Green, S.O., Harris, P., Kamara, O.K. and Kohata, K., 2015. The first global integrated marine assessment. United Nations. Available at: <https://www.un.org/regularprocess/content/first-world-ocean-assessment>

⁹ Díaz, S., Settele, J., Brondízio, E., Ngo, H., Guèze, M., Agard, J., Arneth, A., Balvanera, P., Brauman, K., Butchart, S. and Chan, K., 2020. Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. Available at https://ipbes.net/sites/default/files/downloads/spm_unedited_advance_for_posting_htn.pdf