



Deep Sea Conservation Coalition Recommendations on Deep-Sea Mining Resumed meeting of CBD SBSTTA-24, March 2022

Introduction

Scientists have warned that biodiversity loss would be unavoidable if deep-sea mining as currently envisioned is permitted to occur, that most loss of biodiversity as a result of mining in the deep sea is likely to be permanent 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. They go on to note 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 this information, the potential risks of deep-sea mining to deep-ocean biodiversity, ecosystems and functioning, as well as human well-being, cannot be fully understood.”²

Part XI of the United Nations Convention on the Law of the Sea (UNCLOS), in Article 145, obligates States Parties “to ensure effective protection for the marine environment from harmful effects which may arise from such [mining] activities”; with “particular attention being paid to the need for protection from harmful effects of such activities as drilling, dredging, excavation, disposal of waste, construction and operation or maintenance of installations, pipelines and other devices related to such 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 (ISA) “be carried out for the benefit of mankind as a whole” (Article 140) and “on behalf of mankind as a whole” (Article 143).

Subsequent to the entry into force of UNCLOS, States have repeatedly committed, through the Convention on Biological Diversity (CBD), the Rio+20 conference, the 2030 Sustainable Development Goals (SDGs) and other meetings 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. Nonetheless, the ISA has issued 31 licenses for exploration for mineral resources covering some 1.5 million square kilometres of the international seabed as of 2021 and is poised to begin issuing licenses for large-scale commercial deep-sea mining in the international seabed area in as little as 18 to 24 months' time.³

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.

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 *A Mining Startup's Rush for Underwater Metals Comes With Deep Risks*. 24 June 2021 <https://www.bloomberquint.com/business/a-mining-startup-s-rush-for-underwater-metals-comes-with->

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;”

Recommendation

In light of the abovementioned obligations and commitments and the urgency for the CBD SBSTTA to adopt a clear recommendation on protecting marine biodiversity, we recommend amending paragraph 9 related to deep-sea mining as follows:

*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; **not allow or permit deep seabed mining activities to take place unless and until it can be clearly demonstrated that such activities will not cause adverse impacts on the marine environment, loss of biodiversity, damage to the flora and fauna of the marine environment, degradation of the resilience of marine ecosystems and ecosystem services including carbon sequestration, or compromise the ecological integrity of deep-sea and open ocean ecosystems consistent with the obligations set out in the United Nations Convention on the Law of the Sea, and commitments adopted through the Sustainable Development Goals, in particular SDG 14, target 14.2 and other relevant commitments to halt and reverse the loss of biodiversity.***

And add the following as a new subparagraph:

Encourages Parties and invites other governments to work to ensure that the International Seabed Authority (ISA) does not permit deep-sea mining until the risks to biodiversity in areas beyond national jurisdiction are fully understood and the loss of biodiversity can be prevented, and 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

- 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)

deep-risks Copyright © BloombergQuint; *Race to the bottom: the disastrous, blindfolded rush to mine the deep sea*. 27 September 2021 <https://www.theguardian.com/environment/2021/sep/27/race-to-the-bottom-the-disastrous-blindfolded-rush-to-mine-the-deep-sea>

- In 2015, the United Nations adopted the 2030 Agenda for Sustainable Development including SDG 14 “to conserve and sustainably use the oceans, seas and marine resources for sustainable development”. **SDG target 14.2 further 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 “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; points out that deep-seabed mining is highly likely to cause inevitable and permanent biodiversity loss; stresses that the precautionary principle must apply to the emerging deep seabed mining sector; recalls its resolution of 16 January 2018 on international ocean governance and 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; 185. Reiterates its call on the Member States and the Commission to work through the International Seabed Authority in order to ensure transparency in its working methods as well as 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 on the Law of the Sea, and calls on the Member States to assume a proactive and progressive role within international bodies in order to put forward transparency reforms and increase the overall environmental ambition of actions undertaken;”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**

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

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

ecosystems and biodiversity through a moratorium on seabed mining” calling for a moratorium on deep-sea mining by the ISA.⁶

- As of December 2021, over 90 Heads of State including those of all 27 Member States of the European Union, the presidents of the European Commission and the World Bank, and the CEO of the Global Environment Facility 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 UN’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 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

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