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Date: 22 June 2020
Our reference: 1920PAC81
Subject: Pelagic AC recommendation on deep-sea mining activities
CC: Pascale Colson

Dear Ms Vitcheva,

It is my pleasure to present to you the Pelagic AC's opinion paper as regards deep sea mining activities. This recommendation has been unanimously endorsed by the Executive Committee.

In case you have any questions, please do not hesitate to contact the secretariat.

Kind regards,

A handwritten signature in blue ink that reads 'Jesper Raakjær'.

Jesper Raakjær
Chairman Pelagic AC



Pelagic AC Opinion on Deep-sea mining activities

June 2020

Recognizing the importance of healthy seabeds for thriving pelagic fish stocks;

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 ecosystems¹;

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 mankind²;

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, are important areas for commercially fished species as well as important areas of migration for cetaceans, sea turtles and other species potentially impacted by seabed mining activities³;

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

¹ C. L. Van Dover et al. Nature Geoscience. 10, 464 (2017).

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

³ <https://www.npd.no/en/facts/news/general-news/2019/successful-exploration-for-seabed-minerals/>

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 the widely distributed pelagic species and fisheries in the North Atlantic, resulting from the mining of polymetallic sulfides on the Mid-Atlantic Ridge and Arctic Mid-Ocean Ridge;

The Pelagic AC 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”*⁴;

In addition to scientific concerns, the Pelagic AC supports the European Parliament’s concerns in this respect on its resolution in which it 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”*⁵;

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 to this end;

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

The Pelagic AC 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, through strengthening the resilience and taking action for the restoration of marine ecosystems, as well as initiatives to transition to circular economies,**

⁴ 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.

⁵ European Parliament resolution of 16 January 2018 on international ocean governance. Paragraph 21.

sustainable methods of consumption and production and related efforts as called for the in the UN 2030 Agenda on SDGs.

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.