

**Statement by H. E. Michael W. Lodge, Secretary-General, International Seabed Authority at a side event on deep sea mining hosted by H. E. Baron Divavesi Waqa, President of Nauru, during the Forty-ninth Pacific Island Forum Leaders Meeting, Nauru Island, 3 September 2018**

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First may I say what a great pleasure it is to be back on Nauru and to have this opportunity to talk about the Law of the Sea and how the sustainable development of deep-sea mineral resources can contribute to the efforts of the Pacific Island States to achieve their Blue Economy objectives.

It is more than 20 years since I was last here and an astonishing 35 years since I first visited this remarkable island. Actually, it was quite emotional flying in yesterday, bringing back many memories of visits back in the 1980s.

I think it is safe to say that there is nowhere in the world quite like Nauru and it is truly a pleasure and a privilege to be here. I also want to thank you for your warm welcome and outstanding hospitality.

Second, I wish to warmly congratulate you, Mr. President, on your leadership and initiative in convening this event. I had the great pleasure of spending the day with you in San Diego earlier this year for the official launch of the partnership between Nauru Ocean Resources Inc., Deep Green and Maersk Supply Services and I know how excited you are about the project and the potential benefits it will bring to Nauru. I promised you at the time that I would make the long trip to Nauru to join you at this event and I am both delighted and honoured to make good on that commitment.

In fact, it is very appropriate to hold a side event on this topic in Nauru. Let me recall that at both of the previous Pacific Island Forum meetings held on Nauru, important declarations were made on issues relating to the law of the sea. The seventh forum meeting, held in 1976, issued the first ever declaration by Pacific Island leaders on the law of the sea. The twenty-fourth forum, held in 1993, issued a statement on the new fisheries agreement being negotiated at the UN at that time, in which I happened to be representing the Forum Fisheries Agency.

And now the forty-ninth forum takes place against a background of more law of the sea discussions of tremendous importance to Pacific Island nations taking place in New York this week on the sustainable use and conservation of marine biodiversity, as well as the work of the ISA on developing the legal regime for deep sea mining.

Our time is very short, so let me just offer a few thoughts on progress towards deep seabed mining, its place in the sustainable use of ocean resources and the role of the International Seabed Authority.

I want to begin by recalling the words of Sir Albert Henry, Prime Minister of the Cook Islands, in his statement to the Caracas session of the Third UN Conference on the Law of the Sea in July 1974. He said:

*“With the advance in technology the discovery and extraction of minerals from the seabed around our Islands may become a possibility. In the event of that possibility becoming a reality it would be only fair and just for the Cook Islands to receive the benefits from the seabed immediately around its islands.”*

That statement, in essence, captures the fundamental objective of the Law of the Sea Convention and the purpose of the International Seabed Authority.

The Law of the Sea Convention not only guarantees the right of all States, rich and poor, to access the mineral resources of the deep seabed, but also assures equality of access to developing States, including the land-locked and geographically disadvantaged States, and small island developing States.

By creating the International Seabed Authority, with equal rights of membership for all States Parties, to act as regulator and administrator of the deep seabed, the Convention ensures that access to the deep sea is not limited to the wealthy, technologically advanced States, but is available to the smallest and least developed, and furthermore that the benefits from these resources are shared fairly and justly in the way envisaged by Sir Albert Henry more than 40 years ago.

The very first small island developing State to take advantage of the Convention in this way was Nauru, which in 2011 applied to the International Seabed Authority for a seabed exploration area in the Clarion Clipperton Zone.

Nauru’s initiative was followed by Kiribati, Cook Islands and Tonga, who sponsored similar applications, whilst Papua New Guinea, Tonga, Fiji, Vanuatu, Solomon Islands and Cook Islands all have active and promising mineral exploration projects in national waters.

Let me pause here to note the invaluable role played by SPC through the SPC-EU Deep Sea Minerals Project between 2011 and 2016 in improving governance and regulatory mechanisms in Forum Island countries, including working closely with the Authority. It is in my view unfortunate that this project had to come to an end, particularly given the long-standing and deep involvement of Pacific Island countries in the development of the deep sea mining regime over the years.

So where are we today in terms of advancing deep sea mining?

I am probably stating the obvious when I say that deep sea mining has its detractors. We have seen several negative pieces in the media to this effect. Frankly, much of this is ill-informed and

sensationalist, but I do accept that people have legitimate concerns over activities that are not well understood and can be misrepresented.

But to me, the perception that we are rushing into this, without proper consideration, is totally wrong. The reality is that it has taken us 50 years to get to this point since the idea of exploiting the deep seabed was first raised by Ambassador Pardo of Malta in his famous speech in 1967; 40 years since Sir Albert Henry spoke on the subject, 35 years since the Law of the Sea Convention was adopted in 1982, and 24 years since the International Seabed Authority was established in 1994.

To me, some of the basic facts we should take into consideration in any discussion of deep sea mining are as follows:

- Reliable, clean and ethically sourced mineral resources are essential to a future society based on renewable energy and technology. This fact cannot be avoided for the foreseeable future.
- The deep seabed harbours the largest untapped mineral resource known to mankind, sufficient to provide our mineral needs for hundreds of years into the future.
- Thanks to the Law of the Sea Convention, this incredible resource is managed by all States on the basis of equality through the International Seabed Authority according to two basic and equally important principles – that it should be used for the benefit of mankind as a whole and that the protection of the marine environment is paramount.
- The benefits to mankind of deep seabed exploration extend far beyond simply knowledge of the mineral resources but include scientific knowledge of the marine environment that will be critical to realizing all aspects of the Blue Economy, as well as technology development. Pacific Forum Island countries must be part of this new wave of frontier exploration.
- For the Pacific Island countries, fully dependent on the ocean for their survival, deep sea mineral resources have the potential to expand their resource base, build capacity and expertise and make an essential contribution to a sustainable Blue Economy. This is an opportunity guaranteed to them by the Law of the Sea, and hard fought for over many decades by earlier generations of leaders. Let me remind you that the first Secretary-General of the Authority was a distinguished Fijian, Ambassador Satya Nandan. Both Fiji and PNG have held the Presidencies of the Council and Assembly of the Authority and in July this year, Fiji and Tonga were re-elected to serve on the Council. The Pacific Community has also held observer status with the Authority since 2016.

I want to end by emphasizing that, for the International Seabed Authority, the interests of developing States are at the forefront of our activities.

Concretely, at the UN Ocean Conference held in New York in June 2017, the Authority and UN-DESA announced a voluntary commitment we are calling the 'Abyssal Initiative' to strengthen the capacity of P-SIDS to sustainably access and benefit from the Blue Economy. This project will be implemented in partnership with the Pacific Community.

The aim of the project is to strengthen the policy, legal, institutional and the research and analytical capacities of P-SIDS for implementation of the 2030 Agenda with a specific focus on SDG 14 and the Samoa Pathway. In other words, support P-SIDS to build necessary capacities to achieve their Blue Economy objectives.

Building on the successes of the SPC-EU Deep Sea Minerals Project, this Project will aim to ensure that P-SIDS are able to comply with their national and international obligations as seabed activities progress; and that necessary governance structures and mechanisms are in place at the national level to achieve these objectives in an effective manner.

The objective is to create an enabling environment for P-SIDS to participate in and fully benefit from the sustainable development of DSM resources. We are looking forward to commencing these activities with a high-level consultation workshop to be organized in Tonga in the coming months. I welcome any other partners that would like to work with us and the P-SIDS in these efforts.

I also look forward to increased participation by P-SIDS at meetings of the Authority and related activities, such as technical workshops, so that the region's voice can be heard loud and clear at the international level. We are at a critical juncture right now, where we are setting rules for sustainable deep sea mining that will be in place for the next 50 or more years. In order to secure the maximum benefits for P-SIDS, it is essential that your voices are heard in this process.