

DEEP-SEA MINING

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*(Prepared by the Aquatic WG)***DRAFT RESOLUTION****DEEP-SEABED MINERAL EXPLOITATION ACTIVITIES AND MIGRATORY SPECIES**

Mindful that many CMS-listed species are highly migratory and migrate through and depend on the health of the entire ocean, including in areas beyond national jurisdiction,

Recalling the objectives and principles of the Convention on the Conservation of Migratory Species of Wild animals (CMS), including Article II (1) and Article III (4),

Noting with concern the potential harmful effects of deep-seabed mineral exploitation activities on marine ecosystems and species, particularly migratory species, their prey and their ecosystems,

Recognizing the importance of migratory species, and their prey in maintaining healthy and resilient marine ecosystems, and the critical role of these species in supporting the livelihoods and cultural heritage of Indigenous Peoples and local communities,

Acknowledging the need for ecosystem-based management and a precautionary approach¹ in addressing the environmental, social and economic impacts of deep-seabed mineral exploitation activities,

[Recalling] Decision 15/24 of the Conference of the Parties to the *Convention on Biological Diversity on the Conservation and sustainable use of marine and coastal biodiversity*, which “encourages Parties and invites other Governments to ensure that, before deep-seabed mineral exploitation activities take place, the impacts on the marine environment and biodiversity are sufficiently researched and the risks understood, the technologies and operational practices do not cause harmful effects to the marine environment and biodiversity, and appropriate rules, regulations and procedures are put in place by the International Seabed Authority, in accordance with the best available science and the traditional knowledge of Indigenous Peoples and local communities with their free, prior and informed consent, and the precautionary and ecosystem approaches, and consistent with United Nations Convention on the Law of the Sea and other relevant international law”,

Reaffirming the commitments made in Resolution 12.7 *The Role of Ecological Networks in the Conservation of Migratory Species*, Resolution 12.21 *Climate Change and Migratory Species*, and Resolution 12.26 *Improving Ways of Addressing Connectivity in the Conservation of Migratory Species*,

Recalling the provisions of the United Nations Convention on the Law of the Sea (UNCLOS), including the obligation to protect and preserve the marine environment and *welcoming* the adoption of the Agreement under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction,

Noting that the International Seabed Authority (ISA), established under UNCLOS, is the organization through which State Parties to UNCLOS organize and control all mineral

¹ Principle 15 of the Rio Declaration on the environment and development.

resources-related activities in the Area², and *further noting* that ISA has the mandate to regulate exploration for and exploitation of deep-seabed minerals in the Area, and must ensure the effective protection of the marine environment from harmful effects that may arise from such activities,

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Confirms* that there is a need to better understand the impacts of deep-seabed mineral exploitation activities on migratory species, their prey and the ecosystems on which they depend, in order to help achieve and maintain their favourable conservation status;
2. *Urges* Parties, particularly those with interests in deep-seabed mineral exploitation activities, to consider the impacts of deep-seabed mineral exploitation activities on migratory species, their prey and their ecosystems in accordance with the best available science and scientific information, precautionary approach and the principles of ecosystem-based management;
3. *Urges* Parties not to engage in or support deep-seabed mineral exploitation activities until sufficient and robust scientific information has been obtained to ensure that deep-seabed mineral exploitation activities do not cause harmful effects to migratory species, their prey and their ecosystems;
4. *Encourages* Parties to ensure that the impacts of deep-seabed mineral exploitation activities on migratory species, their prey and their ecosystems are fully considered in the development and implementation of any regulatory framework under national legislation and under the ISA for deep-seabed mineral exploitation activities, in accordance with the precautionary approach, to ensure the conservation of migratory species;
5. *Further encourages* Parties to cooperate with each other and with other relevant organizations and frameworks to promote understanding of and to ensure effective protection from the harmful effects of deep-seabed mineral exploitation activities on migratory species, their prey and their ecosystems; and
6. *Calls upon* Parties to enhance their monitoring and research efforts to better understand the impacts of deep-seabed mineral exploitation activities on migratory species, their prey and their ecosystems, and to share the results of such efforts through the CMS Scientific Council and other relevant forums to support informed decision-making by the relevant competent authorities.

² As defined in UNCLOS Article 1, 1. (1): "'Area' means the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction"

DRAFT DECISIONS

DEEP-SEABED MINERAL EXPLOITATION ACTIVITIES AND MIGRATORY SPECIES***Directed to Parties***

14.AA Parties are requested to:

- a) Inform the Secretariat by 30 June 2024 of any relevant scientific or other information, including any EIA guidance, that considers the impacts of deep-seabed mineral exploitation activities on migratory species, their prey and their ecosystems;
- b) Prioritize research, including monitoring programmes as appropriate, into the impacts of deep-seabed mineral exploitation activities on migratory species, their prey and their ecosystems;
- c) Support the work of the Scientific Council, as directed in 14.BB a) and b);

Directed to the Scientific Council

14.BB The Scientific Council is requested to, subject to the availability of external resources:

- a) Develop a report on the state of knowledge of the impacts of deep-seabed mineral exploitation activities on migratory species, their prey and their ecosystems, including identifying knowledge gaps that should be addressed;
- b) Based on the results of the above report, collaborate with the International Seabed Authority to share expertise, and develop such specific EIA guidance as may be required, in addition to any other relevant guidance available, which considers the impacts of deep-seabed mineral exploitation activities on migratory species, their prey and their ecosystems;
- c) Report to the Conference of Parties at its 15th meeting on the progress in implementing this decision.

Directed to the Secretariat

14.CC The Secretariat shall:

- a) Inform the ISA of this COP14 decision and facilitate collaboration with ISA and other relevant bodies, as appropriate, in order to increase awareness for migratory species, their prey and their ecosystems in relevant discussions on deep-seabed mineral exploitation activities;
- b) Facilitate the work of the Scientific Council as directed in 14.BB a) and b).