



OCEAN STEWARDSHIP – A CRITICAL PATHWAY FOR TRANSFORMATIVE SOLUTIONS TO INTERLINKED GLOBAL CRISES

1.0 BACKGROUND

1.1 Since its establishment in April 2022, the Pacific Parliamentary Alliance on Deep Sea Mining (PPADSM -the Alliance) has, through its campaign against rushing into deep sea mining, highlighted the flaws of the predominantly ‘western-oriented’ modern-day institutions and approaches to governing Earth’s Oceans.ⁱ The Alliance has also championed more appropriate stewardship of Oceans, including and especially that informed by indigenous knowledge and practice, which are also consistent with legal and western scientific perspectives that are not based nor captured by corporate interests and/or geopolitical design. Striving, therefore, for political leadership and solidarity, beginning in the Pacific, to transform global oceans governance remains a priority. Its international outreach has gained traction in the UN Oceans Conference platformⁱⁱ, and has had measured success in informing bilateral and multilateral engagements on oceans governance within the region and beyond.

1.2 The United Nations General Assembly (UNGA) commenced its 77th Session earlier this month on the theme: ‘*A watershed moment: transformative solutions to interlocking challenges*’.ⁱⁱⁱ The UN hopes this theme will catalyze collaborative responses to the complex, interlinked crises facing the global community today in a bid to find transformative pathways towards a more resilient world for all. Future generations are explicitly acknowledged as beneficiaries of this better world.

1.3 The gravity of the multiple crises referenced in the abovementioned theme avails a critical opportunity for world leaders to reassert moral political leadership within the UN system. Given that the roots of several of these crises have correlating links to ongoing failures in the global mechanisms governing oceans, Pacific delegations occupy a special role to call for truly urgent, concerted and transformative solutions.

2.0 CRITICAL ISSUES

Key components of the UNGA theme

2.1 As the theme indicates, all delegations - indeed the global focus - should be on the following component notions: ‘interlocking challenges’, ‘transformative solutions’, and ‘watershed moment’. Together, they constitute a deeply meaningful combination of situational descriptions that aptly summarizes the concerns of the Pacific regarding the probable impacts of deep sea mining (DSM), dumping of radioactive waste water into the Pacific Ocean, and the climate crisis. They also prescribe the requisite conditions / actions for the resolution of these concerns. Inserting any and/or all of the above concerns into the respective Pacific delegations’ interventions is both

fitting and urgent.

2.2 If permitted, however, these core elements of the UNGA theme could just as easily slip into cliché, or worse, diluted (such as human-induced climate change by climate-deniers), or misused by defenders of the status quo (corporate interests with their powerful governments and institutions) to justify further entrenchment. Recent instances of such subterfuge appear in slogans like ‘the green energy transition’ - a climate solution to justify DSM, and selective interpretations of the ‘common heritage of mankind’ principle to justify the right to development and sovereign rights of individual states within areas considered the common heritage of human kind.

Impetus for oceans governance regime change

2.3 The call for ‘transformative solutions’ within the context of a ‘watershed moment’ is deemed to have an anti-incrementalism^{iv} tone, while also inviting revolutionary change in approaches to oceans governance. The reference to climate change as being at a ‘tipping point’ in the sub-text of the UNGA theme is pertinent. The point here is that there cannot be another return to business as usual.

2.4 In the context of the failures of oceans governance and the implications of these failures for the climate emergency, business as usual means retaining outdated approaches to and interpretations of the premier international binding legal instrument – UNCLOS, deemed to be in favour of resource exploitation for economic benefit by state parties and private interests. This, in turn, limits the ability of its subsidiary or implementing agreements to account for the vastly altered realities of today’s oceans, which rather require aspirational and visionary ambitions for conservation and protection. It is therefore necessary to inform public policy discourse on oceans governance with ‘new’ knowledge systems, derived from sources other than, or in addition to, that which is traditionally referenced in modern-day (Western-styled) governance. As the Alliance has advocated before, it is now critically important that public fora incorporate ocean stewardship approaches that are informed by indigenous knowledge and practice, which effectively sustained ocean resilience before the onset of modern governance systems.

2.5 By contrast, Tuvalu’s foreign policy, for instance, which is based on indigenous principles and values^v, stands not only as a critique of a failing status quo in oceans governance but is also a unique offering from the Pacific that stands to benefit the global community. This contributed to the decision by the Government of Tuvalu rescinded its sponsorship for DSM. There are indeed more examples of Pacific Islands governments reverting to indigenous knowledge to help navigate public policy pathways; this Brief envisions more of these instances being referenced in UNGA deliberations this year as revolutionary contributions towards transformative global solutions.

Moral deficits in global responses to interlocked crises

2.6 Recent experiences within the premier international mechanisms and instruments mandated to govern the world’s oceans^{vi} suggest a preponderance with technicality (legal, financial, scientific) at the expense of a moral mandate. Whilst not discrediting the place of the technical aspects, technical issues need to be located within a robust moral framework. A longstanding critique of the governance regime for oceans, for instance, is that it is excessively compartmentalized i.e., comprised of a plethora of inter-related but nevertheless distinct legal, financial and regulatory instruments and authorities that govern an entity that is indivisible, fluid

and does not ‘respect’ national or other jurisdictions. This encourages governance in silos, duplication, overlapping or competing mandates and priorities, and insular perspectives. Such governance approaches also facilitate the politics of selective exclusion / inclusion.

2.7 One of the landmark achievements of the Rio+20 Conference on Sustainable Development (2012) was to place, at the highest international fora, the subject of ‘development’ within a context of environment. The resulting cautionary conclusions on development trajectories provide useful reference points for other processes such as negotiations for the convention on biological biodiversity (CBD), convention on biodiversity beyond national jurisdiction (BBNJ), negotiations on the regulatory framework for commencement of DSM, and in connection with the role of the International Atomic Energy Agency (IAEA) vis-a-vis Japan’s intention to dump nuclear radioactive waste water into the Pacific Ocean.

2.8 Put into proper moral context, the global discourse on each of these issues (so far preoccupied with technicality) may avail significantly different and hopeful pathways to shared global crises.

- a) BBNJ: Negotiations have, for instance, arguably centered on access and benefits over and above the protection of ocean health, biodiversity and resilience. This ‘blue economy’ agenda, which defines the oceans predominantly as a resource, entrenches an economic regime that perpetuates the status quo - unjust and unequal access to oceans and oceans resources, and the extraction, production and distribution of ocean wealth (from fisheries, seabed minerals, through to DNA sequences and other biological data) by and for the global North. A moral mandate for oceans governance would, by contrast, embrace stewardship approaches that set the highest levels of ambition and standards for biodiversity conservation and protection, prioritize remediation of exploitation overreach (relative to biodiversity baselines)^{vii}, and fiduciary responsibilities to the environment and future generations. As stewards, the ‘common heritage of mankind’ principle, and therefore the common or shared responsibilities of States, become more meaningful and compelling.
- b) ISA / DSM: The moral lens would more easily recognize the original ISA mandate (i.e., to facilitate DSM) as a global capitalist project based on the mantra of ‘more is better’, and that it facilitates a destructive extractive industry that benefits only the powerful few. Whilst declaring the same old promise of all extractive industry – that of economic salvation for participants in the project, the ISA-mandated pursuit of DSM also poses the serious risk of compromising ocean and planetary systems regulating climate.^{viii} A more authoritative moral imperative would also acknowledge the repeated calls from delegations at the recent ISA governance meetings for a variety of moratoria on the pursuit of DSM. In spite of these calls for a precautionary approach, the ISA bureaucracy has since proceeded to approve experimental mining operations by Nauru Ocean Resources Incorporated, a subsidiary of The Metals Company.^{ix}
- c) ‘Fukushima’ nuclear power plant disaster^x (vis IAEA): Japan’s plans to dump radioactive waste water into the Pacific Ocean in 2023 is a further demonstration of how technical scientific cost-benefit considerations overrule moral ones. It also presents a scenario where national priorities (self-interest) supersede regional and global wellbeing, in principle and in real-life ways, and with potentially severe intergenerational consequences.^{xi} Seen through a moral lens, the need to reform the IAEA becomes obvious. And, with the broader context in

view, the involvement of the US, UK and France, which apparently support Japan's plans based on a technical standpoint, should then also raise concerns about geopolitical considerations that underpin developments in the Pacific region today.

2.9 Suffice to say that in all scenarios mentioned above, the moral imperative is increasingly at risk of being buried under technicality, and stands to lose further ground in global governance spaces and deliberations. The UNGA provides both opportunity and responsibility for reasserting political leadership in all of these issues thereby reoccupying global oceans governance spaces and discourses with moral considerations and relocating technicalities within appropriate moral frameworks include.

3.0 RECOMMENDATIONS

3.1 In light of the various concerns highlighted above, The Alliance invites delegations to the 77th Session of the UN General Assembly to consider supporting the following actions:

- a) **AFFIRM** the theme for the 77th Session of the UN General Assembly and assert that moral leadership in the governance of oceans, including through the recognition and acknowledgement of indigenous knowledge approaches, principles and practices of stewardship is a critical pathway for transformative solutions to today's global interlocking crises;
 - b) recognizing that the ocean is the common heritage of mankind, **CALL** on Leaders, as stewards of Earth's oceans today, to adopt moral political leadership at the regional and international levels, and within platforms and spaces governing oceans, in recognising and fulfilling our fiduciary responsibility to the environment and to future generations for its protection;
 - c) **EXPRESS** deep concern about the recent trends and events in global oceans governance platforms, including in the ISA and BBNJ negotiations, that serve to entrench unsustainable development pathways that will exacerbate rather than alleviate today's interlocked global crises;
 - d) **EXPRESS** deep concern about the recent approvals granted by the ISA for a contractor to commence experimental deep sea mining operations in the Pacific Ocean despite repeated calls for a precautionary stop, including those at the recent ISA Council meeting in July 2022;
 - e) **EXPRESS** deep concern about Japan's plans to dump radioactive waste water from its Fukushima nuclear power plant into the Pacific Ocean in 2023; and
 - f) pursuant to Resolution 48/13 of the UN Human Rights Council (adopted 8th October 2021) and Resolution A/RES/76/300 of the UN General Assembly (adopted 28th July 2022), which recognizes that a clean, healthy and sustainable environment is a human right, **CALL** for an immediate stop to any further DSM activities and to Japan's plans to dump radioactive waste water into the Pacific Ocean.
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