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Dear Mr. Vandenbulcke,

Many thanks for your quick response to our letter. We appreciate GSR's public sharing of its timeline for deep sea mining tests in the Clarion Clipperton Zone. However, we remain of the opinion that any further steps towards the exploitation of the deep seabed must be halted, including further exploration and testing of mining equipment to prepare for exploitation in the future.

What you are describing as precaution in your letter is no more than standard adaptive management practice, with an acceptance that a certain amount of damage will occur in pursuit of your business model. Truly applying the precautionary principle would entail reconsidering whether mining the seabed can ever be compatible with the responsibilities and obligations of States sponsoring entities with respect to activities in the Area. The International Tribunal for the Law of the Sea (ITLOS) Chamber of Disputes has stressed that Principle 15 of the Rio Declaration is applicable to deep sea mining, and this principle describes a precautionary approach as follows: "Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."¹

In this context, it is important to note that there already is sufficient scientific evidence available to conclude that deep sea mining seriously threatens the marine environment and will cause irreparable damage to those habitats that will be directly targeted by mining activities. As pointed out in our previous letter, many experts in the scientific community

¹ International Tribunal for the Law of the Sea. 01.02.2011. Report of Judgements, Advisory Opinions and Orders. Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the Area (Request for Advisory Opinion submitted to the Seabeds Dispute Chamber) List of Cases: No.17. Advisory Opinion of 1 February 2011. https://www.itlos.org/securedl/sdl-eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJpYXQiOiJEMTY1OTU3NzAsImV4cCI6MTYxNjY4NTc3MCwidXNlciI6MCwiZ3JvdXBzIjpbMCwtMV0slmZpbGUiOiJmaWxlYWRTaW5cL2I0bG9zXC9kb2N1bWVudHNcl2Nhc2VzXC9jYXNlX25vXzE3XC8xN19hZHZfb3BfMDEwMjExX2VulnBkZilslnBhZ2UiOiJEW0X0.4320iUhLrR0pMcY0v-aDvodfE2QqHIXFir1_7f4HZ2M/17_adv_op_010211_en.pdf

expect that deep sea mining would cause irreversible environmental impacts, resulting in the disruption and loss of ecosystem services, habitats and species. Given the significant gaps in knowledge about deep ocean ecosystems and biodiversity, there is no credible way in which the exploitation of polymetallic nodules can be reconciled with the commitment of over 80 Heads of State and Government to “reverse biodiversity loss by 2030 for sustainable development”² and with the duty under Article 194.5 of the UN Convention on the Law of the Sea (UNCLOS) to “protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life”.³

Given the growing scientific literature warning about inevitable and irreversible harm from deep sea mining, it is unclear what additional research DEME-GSR needs to provide compelling evidence that polymetallic nodules do not offer a responsible option for sourcing metals. Does DEME-GSR accept that there is growing scientific literature warning about inevitable and irreversible harm from deep sea mining, and if so, what is the additional evidence you are looking for and what is your threshold for deciding against the exploitation of the seabed? Can DEME-GSR disclose the scientific rationale for the tests with the Patania II, including the impact hypotheses, and are these subject to independent scrutiny? How will DEME-GSR ensure that the company’s economic interest does not influence the design, conduct and outcomes of the proposed research activities?

Furthermore, your claim that extracting minerals and metals from the deep sea will be essential for the development of a clean energy future cannot be substantiated. Predictions of the amount of minerals needed in future vary widely depending on multiple assumptions, such as the evolution of battery technologies, the extent of recycling and reuse, and future models of transport and mobility. Greenpeace is calling for radical change in relation to these points: in addition to critical policy measures such as reducing the number of cars on the road, we must increase material reclamation and recycling in the batteries sector, and see much more research and investment in battery technology.

As the World Bank recently outlined, decisions made by governments and businesses now will determine future demand for specific minerals, as these are “subject to shifts in policy or technologies”.⁴ As an example, major battery manufacturing companies like Tesla and Panasonic have already committed to phasing out cobalt, one of the target metals for deep sea mining, over the coming decade.⁵

In order to keep in line with the UN 2030 Agenda for Sustainable Development, the priority global approach for the consumption of mineral resources should be one of sustainability, reuse, improved product design so that fewer metals are needed, and recycling of existing materials. The UN Environment Programme (UNEP) has further clarified that a sustainable

² Leaders' Pledge for Nature. United to reverse biodiversity loss by 2030 for sustainable development. https://www.leaderspledgefornature.org/Leaders_Pledge_for_Nature_27.09.20.pdf

³ United Nations, 10.12.1982. United Nations Convention on the Law of the Sea and Agreement relating to the Implementation of Part XI of the Convention. https://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm

⁴ World Bank. 05.12.2020. Minerals for Climate Action - The Mineral Intensity of the Clean Energy Transition. <http://pubdocs.worldbank.org/en/961711588875536384/Minerals-for-Climate-Action-The-Mineral-Intensity-of-the-Clean-Energy-Transition>

⁵ See e.g. Cheaper Tesla? Panasonic to develop cobalt-free battery. Nikkei Online, 13 January 2021. <https://asia.nikkei.com/Business/CES-2021/Cheaper-Tesla-Panasonic-to-develop-cobalt-free-battery>

blue economy “excludes non-renewable extractive industries (e.g. offshore oil and gas, and deep sea mining) as well as unsustainable practices in other sectors”.⁶ In that context, it is unclear how deep sea mining can be seen as part of circular economy solutions.

Regarding your references to the International Seabed Authority’s regulatory framework, we would like to stress that under current draft regulations, contractors like GSR are responsible for conducting their own environmental impact assessments. Therefore, I would like to remind you of the unresolved question as to who is responsible for the independent monitoring of the environmental impact of the Patania II trial. As you may recall, it is not the responsibility of the JPI Oceans MiningImpact 2 consortium, as pointed out by its project coordinator Dr. Matthias Haeckel, in contradiction to GSR’s repeated response to this question.⁷

Moreover, the resolution of the Belgian parliament calls on the government to support fundamental scientific research. As pointed out by 30 deep sea scientists in a public statement delivered to the ISA Assembly, “research to understand how deep-sea ecosystems function and support vital processes is distinct from activities carried out under exploration contracts granted by the International Seabed Authority. The purpose of these activities is different. The former is to learn and discover, to better scientific knowledge about the largest ecosystem on Earth, while the latter is to assess the economic potential for extraction”.⁸ Hence, the fundamental research the parliament is asking for refers to the former and not the latter. We are concerned however that DEMA-GSR considers its research in the service of the development of deep sea mining to be fundamental scientific research.

We are equally concerned about your statement regarding the protection of the deep sea environment. Setting aside Areas of Particular Environmental Interest (APEIs) and Preservation Reference Zones (PRZ) as the ISA requires contractors to do, will in any case not be sufficient to deliver protection, especially given that these areas in the Clarion Clipperton Zone tend to be designated in areas that avoid conflict with exploration contracts rather than in the zones originally recommended by scientists for marine conservation.⁹ It is also important to bear in mind that APEIs are not Marine Protected Areas.

I would therefore like to refer back to my earlier point about the meaning and implications of applying the precautionary principle. It is intended to prevent harm, not to remedy damage to the environment after it has been inflicted.

⁶ UNEP. Turning the Tide: How to Finance a Sustainable Blue Economy. March 2021, p. 16. <https://www.unepfi.org/publications/turning-the-tide/>

⁷ Email from Matthias Haeckel to Ann Dom, (Seas at Risk) of 7 October 2019.

⁸ Statement of concern from the international scientific community. 22 July 2019.

<https://www.greenpeace.org/static/planet4-international-stateless/2019/07/23dc9f03-isa-scientists-letter-2019.pdf>

⁹ Cuyvers, L., W. Berry, K. Gjerde, T. Thiele and C. Wilhem (IUCN), 2017. Deep Seabed Mining. A Rising Environmental Challenge, p.51. <https://gallifrey.foundation/wp-content/uploads/2018/07/DeepSeabedMining-report.pdf>

The best decision for a sustainable future for the planet is to build a fossil-free future based on truly sustainable solutions that preserve and protect the Earth's ecosystems, instead of causing irreversible damage to fragile habitats such as the deep seabed.

I look forward to your response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Valerie Del Re'. The signature is stylized, with a large circular loop at the beginning and several horizontal strokes extending to the right.

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