



Aarhus Convention 28th WGP

Frederik Hafen, EEB, Aarhus ECO Forum

July 2024, Agenda item 6a (ii):

Dear Chair, dear Delegates,

I would like to speak on an issue of abuse of environmental defenders' rights connected to the panel discussion we heard earlier today relating to the International Seabed Authority.

I am delivering this statement on behalf of Greenpeace International regarding the right to protest at sea and the actions of the International Seabed Authority in reaction to a recent anti-mining protest.

This past winter, Greenpeace International organized a peaceful protest at sea against the activities of a Danish flagged vessel chartered by a deep-sea mining company NORI/the Metals Company. The mining vessel was carrying out mining exploration activities in attempts to obtain a mining contract from the ISA. Protesters used kayaks to circle the vessel, and some used climbing gear to board the vessel, with the aim to disrupt its activities in a peaceful manner.

However, in reaction to this protest the Secretary General of the ISA issued a set of emergency measures and labeled this protest as a threat of serious harm to the marine environment. This was an overstep of his mandate. Firstly, The ISA has no authority over Greenpeace International as it is neither a contractor nor a member State Secondly, the ISA Secretary General did not recognize nor respect the right to protest. And, thirdly, the ISA incorrectly labeled the peaceful protest action as a threat to the marine environment.

A Dutch court, which expressly recognized the right to protest, ultimately ordered Greenpeace to partially cease its activities (which it did), questioned the authority of the ISA Secretary General's immediate measures and also questioned the NORI/The Metals Company's claim that its activities could be considered independent science. The Netherlands, the flag state of the Greenpeace vessel, subsequently agreed that *"the right to protest at sea is a lawful use of the sea related freedom of navigation"*. Separately both UN Special Rapporteur on toxics and human rights Marcos Orellana and our Convention's special rapporteur Michel Forst voiced their serious concerns at a recent side event of the ISA Council in March.

During the Course of that March ISA Council meeting the State of Nauru put forward proposals designed to effectively prevent future protests at sea and also suggested that Greenpeace should lose its observer status at the ISA. While most Aarhus parties rejected this proposal, Spain was in favor of



measures to prevent future protests. To use Special Rapporteur Forst's words in March we call for all Aarhus parties to *"demonstrate leadership for the protection of environmental defenders, for the protection of peaceful protest at sea and beyond, and to unequivocally call on the ISA Secretary-General to cease without delay this attempt to stifle the voice of oceans defenders"*.