



Protecting People and Planet



July 2023

Statement to the Council of the International Seabed Authority on the 28th Session 10 – 28 July 2023

The Environmental Justice Foundation urges the Council and the Assembly of the International Seabed Authority to take action to prevent irreversible harm to the world's ocean.

The outcomes of the meetings you attend over the next three weeks will help to determine the future of our ocean. Your delegations represent the governments of 167 countries and the European Union, and as members of the ISA, you have the great responsibility of ensuring that humanity's common heritage is managed for the benefit of all humankind. The Environmental Justice Foundation (EJF) observes with great concern the potential introduction of deep-sea mining and the devastating consequences it would have on our ocean and its crucial role in the health of our planet.

Independent reviews of the available scientific evidence commissioned by governments and conducted by civil society organisations are in agreement that deep-sea mining will cause potentially severe adverse impacts to the marine environment, its biodiversity, and ecosystems. Significant disturbances are expected, including direct damage to wildlife, habitat destruction, pollution from sediment plumes and wastewater discharge, and noise and light pollution across the water column. These disturbances will result in biodiversity loss, disrupt marine ecosystem functions and food webs, and potentially impact fisheries and disrupt the oceanic carbon cycle:

- **Biodiversity loss:** If mining is allowed to proceed in the deep sea, unique species will become extinct, causing irreversible biodiversity loss. Deep-seabed communities have a high proportion of species found nowhere else on earth; they are highly vulnerable to disturbances, and may never be able to recover from the destruction of their habitat by mining. This is all the more concerning as proposals to offset biodiversity loss from deep-sea mining are believed to be scientifically meaningless.
- **Disruption of marine ecosystem functions and food webs:** Deep-sea mining risks having a profound and long-lasting impact on marine ecosystems, transforming and impoverishing ecological communities, disrupting food webs, and ultimately

impairing critical functions performed by deep-sea ecosystems for all marine life.

- **Impact on fisheries:** The combined effects of food web disruption, pollution from sediment plumes in the water column, and light pollution caused by deep-sea mining are predicted to impact fisheries, with a potential reduction of fish populations.
- **Disruption of the oceanic carbon cycle:** Deep-sea mining is projected to stir up millions of tonnes of seafloor sediments every year, effectively reinjecting carbon that had been accumulating over millions of years into the oceanic carbon cycle. The impacts of deep-sea mining on the global carbon budget remain poorly understood but could be severe, in effect negating the effect of millions of years of ecological and biochemical processes in just a few years.
- While the available scientific evidence establishes a clear risk of serious adverse environmental impacts, the extent and magnitude of the damage deep-sea mining would cause to the marine environment remain unknown. Critical knowledge gaps remain that prevent fully informed, science-based decision-making. **In the absence of a solid baseline, environmental impact assessments are unreliable and are likely to underestimate the extent and magnitude of environmental impacts.**

Furthermore, the ISA seems unfit as a regulator to achieve its dual mandate of protecting the marine environment and ensuring activities in the Area are carried out for the benefit of all humankind. The reported procedural lack of transparency and accountability as well as structural issues and potential conflicts of interest are concerning ([New York Times](#), [Bloomberg Green](#), and [Los Angeles Times](#)).

Opposition to deep-sea mining

Scientists, indigenous and coastal communities, NGOs, and major companies, including BMW, VW and Samsung are speaking out against the introduction of deep-sea mining worldwide. Financial institutions such as Triodos Bank, Storebrand and the European Investment Bank exclude the deep-sea mining industry from their investments. Major international shipping company MAERSK recently divested from deep-sea mining. Lockheed Martin also exited the industry this year by selling their UK company that has two exploration contracts.

The solution

In order to preserve our planet for future generations, we need to change the way we deal with our resources to ensure we stay within planetary limits. Instead of exploiting more, we need to push for the reduction of the use of primary raw materials and establish a circular economy. A substantial corpus of research finds that energy transition, from fossil fuels to renewables, is possible without exploiting deep-sea minerals, most recently stated by the [European Academies Science Advisory Council](#).

EJF highly appreciates the foresight of the Small Island Developing States Palau, Fiji, Samoa as well as Chile in being the first to advocate for a pause in seabed mining, and we support France, Germany, Costa Rica, Spain, New Zealand, Panama, Dominican Republic, Switzerland, Ireland and Canada, and others who have since followed their example.

We welcome the submission of a proposal for a general policy by Chile, France, Palau and Vanuatu aiming for a precautionary recess of exploitation activities.

All ISA member states are obliged to protect and conserve the marine environment for the benefit of all of humankind under Articles 145 and 140(1) of UNCLOS. Furthermore, the international community has made clear commitments to conserve biodiversity and ecosystems and areas beyond national jurisdiction through the Kunming-Montreal Global Biodiversity Framework and the recently adopted High Seas Treaty.

We call on all states to act in accordance with these commitments.

Therefore, EJF calls on all ISA member states to stop deep-sea mining.

RECOMMENDATIONS:

COUNCIL

In the absence of an appropriate regulatory framework to ensure that mining will not harm the marine environment, the Council should issue a directive instructing the Legal and Technical Commission (LTC) to refrain from issuing a recommendation pertaining to the approval or disapproval of a plan of work for exploitation. Instead, the LTC should submit a report to the Council on the environmental implications of the proposed plan of work. This report would have due regard for the ISA's obligation to protect and conserve the marine environment under Article 145 of UNCLOS, the precautionary principle, and international commitments to halt and reverse biodiversity loss and to maintain, restore or enhance ecosystem health and ocean resilience.

ASSEMBLY

Support a General Policy for the effective protection of the marine environment, ensuring that (i) no mining is permitted in the absence of regulations and (ii) no regulations are adopted until:

- There is comprehensive scientific understanding of deep-sea ecosystems;
- It can be established that deep-sea mining will not cause harm to the marine environment;
- The ISA's structure and function undergo necessary reforms.

The Environmental Justice Foundation (EJF) exists to protect the natural world and defend our basic human right to a secure environment. EJF works internationally to inform policy and drive systemic, durable reforms to protect our environment and defend human rights. We investigate and expose abuses and support environmental defenders, Indigenous peoples, communities and independent journalists on the frontlines of environmental injustice. Our campaigns aim to secure peaceful, equitable and sustainable futures.

[All facts above are referenced in this report.](#)