This week, deep-sea mining negotiations in Jamaica enter their third week as backlash surrounding the nascent industry grows. Concerns surrounding transparency and the environmental impacts of the industry remained firmly at the top of the agenda for observers and many States present at International Seabed Authority (ISA) meetings last week. Meanwhile, global support for a halt skyrocketed as a new letter calling for a moratorium was launched, with more than 68,000 people calling on leaders to stop the industry before it begins.

The ISA's 168-member Assembly begins a week-long meeting today. The Deep Sea Conservation Coalition has been present throughout deep-sea mining negotiations in Kingston and continues to advocate for a moratorium on the risky industry.

Irreversible environmental damage

The ISA is required to ensure the effective protection of the marine environment in the face of deep-sea mining and therefore the Authority cannot permit commercial mining to go ahead if the protection of the marine environment is not ensured. Last week, observer organizations as well as Ghana, Chile, Trinidad and Tobago, Micronesia, Australia and New Zealand called for no harm to be inflicted on the marine environment if deep-sea mining were to go ahead. However scientists continue to warn that if the destructive industry were to get the green light, environmental destruction would be inevitable. Indeed the Canadian prospective mining company, The Metals Company, stated recently to prospective shareholders that “Operations in the Clarion Clipperton Zone [the area earmarked for the first commercial deep-sea mining] are certain to disturb wildlife and may impact ecosystem function.”

Country delegations including Costa Rica, Chile, Monaco, Spain, France and Italy also called for more consideration of pollution associated with any mining activities, such as underwater noise and marine litter. Costa Rica continued to advocate for a full study on the valuation of the environmental costs of deep-sea mining.

Negotiations so far have also seen proposals to ‘streamline’ regulations. This may mean that fundamental principles of environmental protection, transparency, public participation, accountability and prohibition on loss of biodiversity are cut from proposed regulations.

Concerns surrounding would-be miners

The clock is ticking for the ocean as States rush to agree and adopt regulations after Nauru triggered an obscure legal mechanism, known as the 2 year rule, in June 2021 on behalf of Nauru Offshore Resources Inc (NORI), a wholly owned subsidiary of The Metals Company. This means that commercial-scale strip-mining of the international seabed could be authorized as soon as July 2023. During the ISA Council meeting last week, Costa Rica raised concerns that the 2 year rule was triggered by Nauru when the ISA Council was unable to meet due to COVID-19.

The DSCC also warned delegates that prospective miner, The Metals Company, currently has insufficient assets to cover the significant potential damage that deep-sea mining is expected to
cause, with the company shares recently trading at around 85 cents. By the company’s own admission, these risks may not be covered by insurance policies. Ghana, Italy, Costa Rica, Chile and Germany as well as the DSCC also raised issues of liability and who controls contractors.

Delegations including Chile also raised concerns that the environmental impact assessments carried out by NORI for commercial scale test mining, which could take place in a matter of weeks or months are highly insufficient. Chile asked, if NORI cannot qualify itself during the exploration phase, how can it do so during exploitation.

**An Authority unfit to regulate the largest mining operation in history**
Concerns that the ISA is not fit to act as an effective regulator of a complex new industry that threatens the ecosystems that help sustain life on earth continue to grow. The DSCC raised concerns that the ISA’s Legal and Technical Commission (LTC) treats its meetings as not only closed, but secret. Costa Rica also called for greater transparency including publishing contractors’ reports, reporting infractions by contractors and inviting comments from stakeholders. Many delegations also expressed frustration with the way the negotiations have been conducted, with meetings plagued by technical issues over the last two weeks and out of date documents presented to delegates, with input from NGOs and scientists cut.

Observers continue to highlight an industry-driven agenda embedded within the ISA and express concerns that the Authority is not fit for purpose nor capable of ensuring the effective protection of the marine environment in the face of what would be the largest mining operation in human history, if authorized to go ahead.

ENDS

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