

No Transparency, Accountability or Public Participation when ISA Approves Exploratory Deep-Sea Mining

The United Nations Convention on the Law of the Sea (UNCLOS) declares that the area beyond the limits of national jurisdiction (comprising the seabed, ocean floor and subsoil, excluding the water above) (the “Area”) and its resources, are the Common Heritage of Humankind. All rights in the resources of the Area are vested in humankind as a whole. UNCLOS provides that activities in the Area shall be organized, carried out and controlled by the International Seabed Authority (the “Authority”) for the benefit of humankind as a whole, on whose behalf the Authority shall act. Mineral resources in the Area are a shared inheritance. It is our duty to ensure future generations inherit at least as much as we did.

The International Seabed Authority (ISA), last week on 15th September, issued a [press release](#) , giving green light to the Nauru Ocean Resources Inc. (NORI), for exploratory mining in the deep-sea. NORI is a subsidiary of The Metals Company (TMC). The approval comes after the Legal and Technical Commission (LTC) of the ISA reviewed NORI’s Environmental Impact Statement (EIS) and the Environmental Management and Monitoring Plan (EMMP). ISA’s media statement mentions, *“On 5 September 2022, the Secretary-General notified the contractor of the recommendation of the LTC. NORI will now be able to conduct a test of mining components and their integration onboard its vessel Hidden Gem and is requested to report on the result of the tests in the context of its compulsory annual report.”* India is a member of the LTC, which has 30 members with a fifth of them working for contractors for deep-sea mining companies. The LTC meets behind closed doors.

This decision is an extremely disturbing development, putting the ocean, climate and all living beings on earth at threat. It is concerning that the ISA being the regulatory body with the mandate to protect the oceans, the common heritage of humankind, has been under severe criticism for its lack of transparency & accountability and there is still no regulatory framework in place. Neither civil society nor the people whose lives and livelihoods are at stake, are being consulted or are allowed to participate in the decision-making process. No documents related to this approval are in the public domain for public scrutiny. On the other hand, The New York Times reports [TMC has privileged access to exploratory data from the ISA](#). This opaque process has been set out in detail in this [letter](#) from the Deep Sea Conservation Coalition to the ISA and the LTC.

Goa Foundation’s Research Director Rahul Basu said, *“The ISA is accountable to all humankind equally for its management of deep-sea minerals. Yet it favours some parties, and conducts its affairs in the shadows without public input or participation. If the ISA were truly acting for humankind, it would adhere to the highest transparency standards and join the Extractives Industries Transparency Initiative.”*



Climate campaign manager from Greenpeace India, Avinash Chanchal remarked, *“We must stop the destructive deep sea mining industry that would be posing a huge threat to one of the most important, fragile, and least understood ecosystems on earth. Deep sea mining can never be sustainable. It would cause significant and irreversible damage to our oceans and our climate. It could impact the fisher communities' livelihoods and jeopardize food security. Scientists have already warned that deep sea mining could even make climate change worse by releasing carbon stored in deep-sea sediments or disrupting the processes that store carbon. We should also keep in mind that fish and other marine creatures could be impacted by mining-generated noise and light pollution, as well as the discharged sediment from extraction and removal processes from the ships. This is high time to put a moratorium on deep-sea mining.”*

Olencio Simoes, General Secretary of the National Fishworkers Forum, shared his concerns saying, *“Deep-sea mining will lead to ocean pollution. We are also aware that the sea temperature has been rising precisely because of these kinds of explorations. Thus, such kind of mining without proper EIA (including a fair consultative process) or study will add to the ocean pollution, and this will eventually lead to rise in water temperature thereby endangering lives. As recent reports have said, coastal cities across the world are likely to be under water, so this could lead to an acceleration of global destruction that is going to hit our coastal areas sooner or later.”*

We, therefore, call on world leaders, including the Government of India, to support a moratorium on deep sea mining. Unless and until there is a stringent regulatory framework in place, robust processes are adopted that are open, fair, inclusive and participatory, adequate scientific research on the consequences are done, the deep-sea mining proposal must be put on hold.

For further information, please write to us at miracoalition2020@gmail.com