

## IUCN Key messages

Second part of the twenty-ninth session of the International Seabed Authority, Kingston, Jamaica, 15 July – 2 August 2024

The international Seabed Authority (ISA) is set to meet for its Council and Assembly under the second part of its 29<sup>th</sup> Council from 15 to 26 July and Assembly from 29 July to 2 August 2024, where many important items will be discussed.

**IUCN continues to uphold the need for a moratorium, and will continue to support its Members, including States, other non- and intergovernmental organizations, and civil society alike in that direction.**

**Until the conditions set forth in IUCN [Resolution 122](#) are met, a moratorium on deep seabed mining is necessary.**

More specifically, IUCN would like to convey the following messages:

### **For the ISA Council (15 to 26 July):**

- ✓ **IUCN encourages an enhanced collaborative approach to vastly scale-up funding and support for independent marine scientific research directed at understanding basic questions of the species, structure, functions and processes of the deep seabed as well as the water column above, before considering any regulatory decisions on mineral exploitation.** The recent [ITLOS advisory opinion](#), which IUCN experts contributed to, states that “*The development of an effective common regulatory framework presupposes the existence of adequate information on the state of the marine environment based on updated scientific criteria and methods.*” However, research expeditions are still discovering vast arrays of undescribed species across multiple taxonomic groups, including in one of the most studied areas (i.e. the Clarion-Clipperton Zone (CCZ))<sup>1</sup>. It is clear that significant scientific gaps still exist, and an overall better understanding of deep-sea ecosystems and its biodiversity is still urgently needed.
- ✓ IUCN notes that as of today, the regulatory regime is being developed at a very fast pace by the ISA, with three sessions a year recently. This poses financial and time challenges for all delegations, especially for LDCs and SIDS, with limited resources, thus restricting universal participation and jeopardizing the common heritage of humankind principle. As opposed to making haste due to pressure from a small section of a nascent industry, **IUCN recommends allocating more time for the ventilation of outstanding issues, while waiting for science to close existing and critical knowledge gaps;** this would enable the establishment a more robust and effective regulatory system and aid informed decision making.

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<sup>1</sup> [How many metazoan species live in the world's largest mineral exploration region? - ScienceDirect](#)

- ✓ Regarding a possible application for exploitation being submitted in the absence of regulations, **IUCN would also like to reaffirm that**, in spite the “two-year rule” deadline invoked by Nauru having expired on 9th July 2023, **ISA Member States retain the power to delay or postpone the commencement of mining activities**, as demonstrated in a [comprehensive analysis](#) of the issue prepared by a member of IUCN’s World Commission on Environmental Law (WCEL). **The Authority and its member states must ensure that all of its responsibilities, as well as expectations as a trustee to act on behalf of humankind as a whole, are met before even considering whether or not any particular application should be allowed.**

### **For the ISA Assembly (29 July to 2 August):**

- ✓ As the supreme organ of the ISA, **IUCN welcomes the proposed agenda item at the Assembly to discuss a general policy on the protection of the marine environment**. IUCN believes such a policy is timely and necessary since it would allow the Authority to demonstrate its priority and give effect to its legal responsibility to ensure the effective protection of the marine environment from the harmful effects of exploitation activities before allowing them to commence, as explained in a [recent reflection piece](#).
- ✓ IUCN calls for better mechanisms and safeguards to ensure public consultation throughout the decision-making process, ensuring a transparent, accountable, inclusive, effective and environmentally responsible approach to deep seabed governance overall. As such, **IUCN welcomes the second, overdue period review of the ISA as an opportunity to put forward recommendations to improve the modus operandi of the Organization**, as highlighted in [this paper](#).
- ✓ **IUCN underlines the need to ensure convergence and coherence of the international ocean governance regime to maintain the ability for the ocean to serve as the most critical climate regulator on the planet**. In that regard, **IUCN reiterates its support to highlighting deep sea mining (DSM) impacts and risks in different international fora**, for instance in the Convention on Biological Diversity’s [Decision 15/24](#) on the conservation and sustainable use of marine and coastal biodiversity, the Convention on Migratory Species’ [resolution and decisions](#) on deep sea mining.
- ✓ **IUCN also reiterates calls for states to strive for the rapid ratification and entry into force of the recently adopted BBNJ Agreement** (High Seas Treaty). As noted in a [recent publication](#), member states must ensure that legal responsibilities and political ambition for the protection and preservation of the marine environment are not compromised by the decisions taken by the Authority. IUCN also acknowledge new and emerging consideration when it comes to potential deep seabed mining impacts, such as the recent human health-related concerns noted by [OHCHR](#).
- ✓ **IUCN calls for responsible production, circular economy, material recycling, research on new battery and other technologies, and improvement of responsible terrestrial mining practices to be fully explored, developed and implemented before contemplating deep seabed mining**. As of today, the entities wishing to initiate deep seabed mining activities have not come forward with the technology, the knowledge,

nor the experience needed to ensure adequate and effective environmental protection during operation. Rather than invest in a risky sector likely to benefit private companies on the short-term<sup>2</sup>, IUCN further calls on Parties to embrace a regenerative blue economy approach<sup>3</sup>, moving away from the traditional “brown” blue economy, under which deep seabed mining activities would fall.

- ✓ **IUCN urges the Authority to convene detailed discussions about the development of a mechanism for the equitable sharing of benefits.** The Common Heritage of Humankind principle needs to be fully reflected as we consider how best to deliver an equitable sharing of monetary and other benefits. There are many knowledge and research gaps that have to be addressed. IUCN **welcomes the recent discussions in the Council on how to incorporate environmental costs of deep seabed mining activities into the payment regime**, and note that the report presented to Council highlighted the complexities of any potential accounting for the loss of biodiversity and natural capital. [Academic literature](#) to date suggests that the negative impacts of future deep sea mining will be significant and manifold whilst monetary benefits may be limited and only reach the few.

Finally, IUCN also looks forward to the successful conduct of the election of the Secretary General as per the ISA rules of procedure of the Assembly of the International Seabed Authority as well as accepted norms and conventions pertaining to leadership as broadly practiced and respected across international organisations and reaffirms its support to the Secretariat and its Member States in fulfilling its mandate in the coming years.

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<sup>2</sup> [To engage in deep-sea mining or not to engage: what do full net cost analyses tell us? | npj Ocean Sustainability \(nature.com\)](#)

<sup>3</sup> [2024-005-En.pdf \(iucn.org\)](#)