



Protecting People and Planet

Statement to the Council of the International Seabed Authority 28th Session, 16 – 31 March 2023

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[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.

EJF urges the Council to take action to prevent irreversible harm to the environments and biodiversity of the deep sea.

Available scientific evidence to date establishes a clear risk of serious environmental harm as a result of activities in the Area. Deep-sea mining will cause significant disturbances to the marine environment, including direct damage to benthic fauna, habitat destruction, pollution from sediment plumes and wastewater discharge, and noise and light pollution across the water column.

Deep-seabed communities have a high proportion of species found nowhere else on earth and play a critical role in sequestering carbon. They are also highly vulnerable to disturbances and may never be able to recover from the destruction of their habitat by mining. Scientists clearly note that deep-sea mining will result in irreversible biodiversity loss, disrupt marine ecosystems and food webs, and potentially negatively impact fisheries and disrupt the oceanic carbon cycle, further contributing to global heating.

Such outcomes are clearly incompatible with the letter and spirit of the UN Convention on the Law of the Sea.

Consistent with a precautionary approach, the Council and the member states of the Authority are obliged to take preventive measures to ensure these environmental harms are not caused through the authorisation of deep-sea mining operations. The Seabed Disputes Chamber of the International Tribunal for the Law of the Sea held that the obligation to adopt a precautionary approach applies where there are 'plausible indications of potential risks', even if the available scientific evidence is insufficient to determine the magnitude and extent of potential negative impacts.

EJF therefore calls on the Council to fulfil its mandate to protect and conserve the marine environment for the benefit of all of humankind under Articles 145 and 140(1) of UNCLOS. In particular, we call on the Council to adopt the following measures, consistent with a precautionary approach:

- (1) Pursuant to Article 162(2)(x), disapprove the entirety of the Area for exploitation, for a defined period of time, to be renewed unless the available scientific evidence establishes that mining would not cause any biodiversity loss or damage to marine ecosystems.
- (2) Pursuant to Articles 162(1) and 163(9), establish a specific policy directing the Legal and Technical Commission to defer issuing recommendations regarding applications for approval of a plan of work, for a defined period of time, to be renewed unless the available scientific evidence establishes that mining would not cause any biodiversity loss or damage to marine ecosystems.
- (3) Refrain from approving any plan of work for exploration or exploitation, for a defined period of time, to be renewed unless the available scientific evidence establishes that mining would not cause any biodiversity loss or damage to marine ecosystems.
- (4) Ensure that any regulations provisionally adopted by the Council are adequate to effectively protect and conserve the marine environment, notably by requiring evidence that a proposed plan of work would not cause any biodiversity loss or damage to marine ecosystems.
- (5) Pursuant to Article 143(2), support and promote scientific research in the Area, with a view to improving scientific knowledge of the deep sea, its biodiversity, its ecosystems, and the services they provide for all of humankind.

For more information:

[Watch EJF's new film](#)

Read the new report "[Towards the abyss: how the rush to deep-sea mining threatens people and our planet](#)"

Read the report's [executive summary](#)

