



July 2nd 2025

To: President of the Council
To: Madam Secretary General
(Submitted via email to MadamSecretary-General@isa.org.jm)

Re: Briefing Paper/Scenario Note on the negotiations of the draft regulations on exploitation of minerals in the Area and associated modalities of work for the second part of the thirtieth session of the Council of the International Seabed Authority. 4 June 2025, Prepared by the President of the Council

Dear President of the Council,
Dear Madam Secretary General,

The Deep-Ocean Stewardship Initiative (DOSI), an accredited Observer at the International Seabed Authority (ISA) since 2016, would like to express its concern regarding rushed negotiations of the draft exploitation regulations, which would undermine science-based decision-making. Our concerns centre on the need to provide sufficient time to develop science-based environmental regulations. The regulatory framework of the ISA has over 30 major outstanding issues¹, including at least nine relevant to the environment, some of which DOSI will address below.

1. Regulations can only be operationalised based on agreed standards and guidelines

We note the Council decision ISBA/25/C/19/Add.1²

“20. (c) Standards and guidelines should be put in place in phases, as follows:

(i) Phase 1: Completion by the time of the adoption of the draft regulations;

(ii) Phase 2: Completion prior to the receipt of the first application for a plan of work for exploitation;

(iii) Phase 3: Completion by the time of commencement of commercial mining activities;

(d) Six sets of guidelines should be developed and work on three additional sets should be initiated in phase 1; “

We note that Phase 1 is not yet completed. A revised version of standards and guidelines were presented and issued in January 2022³, however to the best of our knowledge, it remains unclear if and to what extent the >100 stakeholder comments submitted as of July 2021⁴ have been considered in the most recent revised version. We note that the content of these revised standards and guidelines have not yet been discussed by the Council. These standards and guidelines include, e.g., environmental baseline data, environmental impact assessment, environmental impact statement and environmental management and monitoring plans.

Without robust environmental standards in place, the environmental impacts of mining cannot be monitored, measured or managed, and preemptive action to prevent harmful effects or serious harm cannot be achieved.

2. The adoption of robust Environmental Goals and Objectives that inform the development of regional environmental management plans and thresholds is essential.

We note the Council decision ISBA/25/C/19/Add.1

20.(f) Members of the Commission and the secretariat would prepare draft environmental goals, objectives and principles to support the development of standards and guidelines.

Ongoing negotiations on environmental goals and objectives and their placement in the Mining Code (e.g., in the regulations or as a separate policy) have not yet reached consensus. Environmental goals and objectives help to sustain marine ecosystem integrity by setting the basis for environmental regulation of deep-sea mining, and give guidance to its own operation and those of its contractors. Environmental goals and objectives are for example needed for the consistent and coherent development of REMPs, as well as for the development of thresholds. Further, they underpin and guide ISA decision-making, for example, when evaluating contractor's obligations. In addition, and in support of these goals and objectives, it is paramount that the terms "serious harm" or "harmful effects" are defined, yet these terms are currently still lacking definitions in the Schedule.

Without robust environmental goals and objectives Article 145 UNCLOS cannot be operationalized.

3. Decision-making must be based on robust science to ensure effective protection of the marine environment from harmful effects

As addressed in an earlier DOSI letter⁵:

"...To manage this nascent industry effectively, decision-making must be based on robust science. Scientists have just begun to understand biodiversity, ecosystem function and resilience in the deep ocean, with many scientific campaigns undertaking research in regions of exploration contract areas.....The international community is not in a position to reliably predict the extent and severity of expected impacts from commercial mining...."

The enormous amount of scientific information that has been collected throughout the years demonstrates much greater environmental and biological heterogeneity within and between mining contract areas than previously recognised, making environmental management very challenging⁶. Due to the size, remoteness and complexity of deep-sea ecosystems, many scientific gaps remain^{7,8}. What is known is that without adequate safeguards, impacts could be widespread and long-lasting⁹. Thus, adopting regulations without a strong scientific foundation to guide environmental standards and guidelines as well as environmental goals and objectives leaves the Legal and Technical Commission and the Council without the necessary framework to evaluate applications for exploitation contracts or to monitor and assess compliance.

Current scientific gaps make effective environmental management of deep-seabed mining impossible. As many have proposed, a coordinated independent research program could help to address priority research needs and gaps⁷.

In conclusion, considering the current state of scientific knowledge and existing regulatory frameworks, we argue that the proposed timeline to adopt a final text for exploitation regulations by 2025 appears premature. If ISA Member States are to ensure robust regulations that effectively protect the marine environment from harmful effects that may arise from mineral-related activities, more time and deliberation are necessary.

The Deep-Ocean Stewardship Initiative, a global network of experts in science, technology, policy, law and economics, remains highly committed to promoting structured, targeted, and efficient discussions to advance discussions under the International Seabed Authority, including the Exploitation Regulations. This includes advising on ecosystem-based management and strategies that maintain the integrity of deep-ocean ecosystems and ensure the effective protection of the marine environment from harmful effects.

Co-signed by

Dr. Patricia Esquete, DOSI Minerals Working Group Co-Lead

Dr. Jesse van der Grient, DOSI Minerals Working Group Co-Lead

Dr. Sabine Gollner, DOSI Minerals Working Group Co-Lead

Dr. Lisa Levin, DOSI Steering Committee

Dr. Elva Escobar, DOSI Steering Committee

Ms. Kristina Gjerde, DOSI Steering Committee

Dr. Maila Guilhon, DOSI Steering Committee

Dr. Maria Baker, DOSI Executive Director

References:

¹Pickins et al. (2024) From what-if to what-now: Status of the deep-sea mining regulations and underlying drivers for outstanding issues. *Marine Policy*. <https://doi.org/10.1016/j.marpol.2023.105967>

²ISBA/25/C/19/Add.1. Report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its twenty-fifth session.

³ISBA/27/C/3 to and including ISBA/27/C/12

⁴<https://www.isa.org.jm/submissions-received-respect-stakeholder-consultations-standards-and-guidelines/>

⁵https://www.dosi-project.org/wp-content/uploads/DOSI_ISA_Nauru.pdf

⁶Kaiser et al. (2024) Effects of environmental and climatic drivers on abyssal macrobenthic infaunal communities from the NE Pacific nodule province. *Marine Biodiversity*. <https://doi.org/10.1007/s12526-024-01427-7>

⁷Amon et al. (2022) Assessment of scientific gaps related to the effective environmental management of deep-seabed mining. *Marine Policy*, <https://doi.org/10.1016/j.marpol.2022.105006>

⁸https://mcusercontent.com/a97a42102547057a7a1aec266/files/5e970912-05c4-9621-88fe-bd65cf3b0857/Senckenberg_SOSA_ISA_statements.pdf

⁹Jones et al. (2025) Long-term impact and biological recovery in a deep-sea mining track. *Nature*. <https://doi.org/10.1038/s41586-025-08921-3>