



Comments from WWF International in response to the Co-Facilitators' request for written submissions regarding the informal intersessional dialogue established under Council decision ISBA/27/C/45 and Council decision ISBA/28/C/9

Deep seabed mining would pose a significant risk to the ocean, including through causing irreversible harm to the marine environment and its ecosystem services, as well as entire species extinction. The scientific gaps related to the deep sea, including its ecosystems and species, are large and will take many years, if not decades, to fill. Without such knowledge, impacts of deep seabed mining cannot be fully understood.

This lack of scientific knowledge calls for a precautionary approach. Extraction must not go ahead until the environmental, social and economic risks are understood, and all alternatives to deep-sea minerals have been explored, and it is proven that deep seabed mining can be managed in a way that protects the marine environment and prevents biodiversity loss, habitat degradation and species extinction.

No licence/plan of work should be approved, given the lack of scientific knowledge and projected serious impacts upon the ocean. Governments must ensure that their decision-making processes at the ISA Council are not rushed or subject to voting structures weighted in favour of granting mining contracts. It is time for the ISA to shoulder its responsibility to protect the marine environment as set out in UNCLOS, and for its Member States to honour the commitments made to each other to protect and conserve the ocean and to increase its resilience.

Please find below WWF's brief comments on the two questions posed by the Co-Facilitators' in their Briefing Note.

(1) Is there a legal basis for the Council to postpone (i) the consideration and/or (ii) the provisional approval of a pending application of a plan of work under subparagraph (c), and if so, under what circumstances? [paragraph 25 (a) of the Briefing Note]

The control and power over decisions at the ISA sit in the hands of its Member States. It is also the Member States that must ensure that the marine environment is protected as stated in UNCLOS. The lack of scientific knowledge of the effects of deep seabed mining is staggering, with no evidence showing that this potential industry can be managed in a way that ensures proper environmental protection. Should an application of a plan of work be submitted, and the LTC issues a recommendation for disapproval or does not issue any recommendation at all, there is no defined period for Council to make a decision. Should LTC issue a recommendation for approval, the Council may, under paragraph 11(a) of Section 3 of the Annex to the 1994 Agreement, provide for a longer period than the default 60 days, and no limit is set for how long the prescribed period for Council to consider the application can be extended.

WWF recommends that the Council postpone consideration or provisional approval until:

- The environmental, social and economic risks are comprehensively understood
- It can be clearly demonstrated that deep seabed mining can be managed in such a way that ensures the effective protection of the marine environment and prevents loss of biodiversity;
- There is a framework in place to respect the free, prior, informed consent of Indigenous peoples and to ensure consent from potentially affected communities;

- Alternative sources for the responsible production and use of the metals also found in the deep sea have been fully explored and applied, such as reduction of demand for primary metals, a transformation to a resource efficient, closed-loop materials circular economy, and responsible terrestrial mining practices;
- Public consultation mechanisms have been established and there is broad and informed public support for deep seabed mining, and that any deep seabed mining permitted by the ISA fulfils the obligation to 'benefit (hu)mankind as a whole' and respects the Common Heritage of Mankind
- Member States reform the structure and functioning of the ISA to ensure a transparent, accountable, inclusive and environmentally responsible decision-making and regulatory process to achieve the above.

(2) What guidelines or directives may the Council give to the LTC, and/or what criteria may the Council establish for the LTC, for the purpose of reviewing a plan of work under subparagraph (c)? [paragraph 25 (c) of the briefing note]

WWF is in support of the Council issuing a directive to the LTC not to issue a formal recommendation for approval of a plan of work. This is supported by Article 163, paragraph 9, of the Convention that states "[e]ach Commission shall exercise its functions in accordance with such guidelines and directives as the Council may adopt."

In addition to a directive to the LTC not to issue a formal recommendation of approval/disapproval, the Council could request that due to the lack of knowledge, the considerations of a plan of work should be made in accordance with the precautionary principle and the obligations under UNCLOS Article 145 and other international commitments such as the Global Biodiversity Framework where States have committed to effective protection of the marine environment, halt and reverse biodiversity loss and enhance ocean resilience.

WWF is a member of the Deep Sea Conservation Coalition (DSCC) and thus also refers to the DSCC's written statement.

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