

## **TBA21 Statement**

**ISA 30th Session, Part II Assembly *July 21-25 2025***

***ISA HQ, Kingston, Jamaica***

### **Item 8: Annual report of the Secretary-General**

Mr. President, distinguished delegates,

We extend our congratulations to the ISA on the commemoration of the Authority's 30th Anniversary. This statement is on behalf of TBA21 and the Deep Currents Collective.

TBA21 is an incubator for collaborative inquiry and artistic production, bringing together art, science, policy and conservation to generate new forms of knowledge and to advance environmental advocacy. Our delegation this year includes the Deep Currents Collective, an international group of scholars, lawyers, artists, and community activists across the Caribbean, North America, Europe, Australia, and Singapore.

We have observed the haste with which the ISA seeks to finalise seabed regulations to enable state and private corporations to commence mining the deep seabed—an area designated as the common heritage of [hu]mankind. We question the urgency, particularly in the absence of adequate scientific, socio-cultural, and economic knowledge needed to competently manage a complex deep seabed management regime. Any regulatory framework must be grounded not only in precautionary science and cultural respect but also in the establishment of robust economic infrastructure and a clearly agreed-upon system for equitable benefit-sharing. Without these, the process risks replicating historic patterns of extraction and exploitation, rather than delivering on the promise of global stewardship.

As the custodian of the common heritage of [hu]mankind, the ISA must ensure all actors physically interacting with, and in the case of contractors, extinguishing seabed areas, can be trusted to responsibly and transparently report on their activities. However, we are concerned that such trust may be misplaced. During the Council discussions within the intersessional working group on underwater cultural heritage, several delegates suggested that contractors mining in the Area ought to be incentivised to report any underwater cultural heritage material which they may find. It is deeply troubling that contractors cannot be relied on to report activities or situations relevant to our common heritage. This lack of transparency amounts to resistance to independent oversight; it undermines the autonomy of expert committees and restricts the independent research and best practices needed to make informed decisions on underwater cultural heritage.

Even more concerning is that some states have openly rejected the inclusion of references to cultural rights and the rights of Indigenous peoples in the draft regulations, as well as the recognition of underwater cultural heritage beyond sunken ships or artefacts. Although certain states are reluctant to acknowledge intangible aspects of underwater cultural heritage, this skepticism is not decisive. Jurisprudence on UNCLOS shows that it can and should be interpreted consistently with other relevant international rules. Accordingly, recognising and safeguarding intangible cultural heritage under UNESCO's 2003 Convention aligns with and can inform the interpretation of UNCLOS, rather than conflicting with it. This is in keeping with the sentiments of some of UNCLOS's founders, namely Arvid Pardo and Elisabeth Mann Borgese, who argued against a "scramble for the seas." Instead they recognized the oceans as a circle of life with cosmological, evolutionary, cultural, and economic values across deep time. This intergenerational consideration is integral to ISA's mandate.

This raises urgent and uncomfortable questions. If contractors cannot be trusted to report on matters of underwater cultural heritage, what confidence can we place in their reporting on environmental damage or ecological discoveries? Moreover, commercial mining in the Area will create what scientists describe as "lost zones," areas so environmentally devastated that they will not recover within human time scales. Thus what exactly are the regional environment plans, and the environmental management goals ultimately intending to manage? Given the science, we see that the mining code is an exterminatory regime that will leave little, if anything, of the deep seabed realms to manage, which has worrying implications for the well-being of our planet.

We assert the critical role of culture in building a governance regime for the deep seabed, and for the contributions of more diverse cultural voices and experts from the humanities and social sciences who are the best suited to give us the historical and cultural implications for our decisions here. More than ever, the ISA needs to be guided by a cultural framework of shared value that includes ethical responses and actions toward ensuring the wellbeing of the ocean and of diverse human-ocean relationships, including those of emerging generations and others yet to come. We believe that only through inclusive, cooperative, and transparent processes can we uphold the spirit of the common heritage of (hu)mankind and chart a just path forward.

Thank you.