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Ocean Governance

Deep Seabed Mining: ‘For the Benefit of Humankind as a Whole’?

Just a few years ago, deep seabed mining was barely on the public’s radar. But growing pressure from a small section of industry and investors to permit commercial mining has seen the topic gain prominence in mainstream media.

Deep seabed mining involves the exploration and exploitation of mineral deposits on the seafloor at depths of over 200 meters. While exploration activities have been ongoing for several decades now, commercial-scale extraction is not taking place as yet. While there is growing interest in seafloor extraction in areas within the jurisdiction of coastal states such as Norway, Japan and the Cook Islands, much of the current interest focuses on the international seabed area. Unlike the high seas, the international seabed area and its mineral resources are legally designated as the ‘common heritage of humankind’ under the 1982 United Nations Convention on the Law of the Sea.

Access to these resources can only be procured through the International Seabed Authority (ISA), a multilateral body comprising 168 countries, charged with regulating deep seabed mining activities in international waters ‘on behalf of’ and ‘for the benefit of humankind as a whole’. Established under the 1982 Convention to administer these mineral resources as a ‘common heritage of humankind’, the ISA must weigh present-day interest in the exploitation of marine mineral resources against the principle of intergenerational equity, which requires that development activities aimed at meeting current needs must not compromise the ability of future generations to meet their own.

Access to and use of natural resources, including the mineral resources of the seabed, touches on issues of intra-generational (present generations) and intergenerational (future generations) equity (or justice). As representatives of the transition between the present and future generations, youth and young people have a crucial role to play in these matters, and yet they

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are more often than not entirely excluded from decision-making that will affect them and generations to come.

Despite this, youth have made their voice heard on matters of global governance through political campaigns like the climate justice movements. If governments are now taking concrete and measurable action against climate change, it is because of youth-led campaigns against government inaction, including climate litigation that has compelled them to act.

This brings us back to the debate on deep seabed mining and the likelihood that negative impacts of seabed mineral exploitation would carry human rights implications and could cause irreversible marine environmental degradation that would impede the rights and interests of future generations to a healthy and productive ocean. The ISA is currently negotiating regulations for future exploitation activities that would allow large-scale commercial extraction to commence. The presence in recent meetings of previously absent voices, including indigenous representatives, has enriched the discussion and brought additional dimensions to the table, such as the cultural stakes of the deep sea. As intermediaries between present and future generations, youth and young people should also be afforded the opportunity to contribute to the debate.

The Elbe Model United Nations – elbMUN 2024 – recently held in Dresden showed that youth want to have their say on this important issue. The Model United Nations (MUN) Conferences are simulated sessions of the United Nations that aim to educate young people about diplomacy and international relations by inviting university students to represent a country and engage in debate with other delegations in an attempt to solve a global issue or problem. This year, elbMUN convened a simulation of the UN Economic and Social Council (ECOSOC), where the topic of debate was deep seabed mining and the potential shift from exploration to exploitation. I was invited as a guest expert speaker to give an overview of deep seabed mining, the ISA, and the current state-of-play. I was impressed by the participants' level of engagement and the many concerns they expressed, so much so that we went over time. The message I took home was that these young people were outraged at the possibility of deep seabed mining commencing within a year or so. Many of them were keen to learn more and asked how they could contribute to the debate and express their views. This enthusiasm was also evident at major ocean events I've attended elsewhere, such as the UN Ocean Conference in Lisbon in 2021, and I expect this trend to continue to grow.

It seems obvious, to me at least, that urgent steps should be taken to ensure that youth and young persons are given a safe space and environment to weigh in on the debate. Some possibilities include:

- *Encouraging more youth groups to attend and participate in ISA meetings by delivering statements and hosting side events.* Member states do tend to listen carefully when observers speak, and the ISA should cultivate a more welcoming vibe. At present, the Sustainable Ocean Alliance, which was granted accreditation in July 2023, does a remarkable job in bringing the voices of young people to the floor.

- *Member states could invite youth representatives to join their delegations at ISA meetings.* Some states already include stakeholders such as representatives from civil society, science, and industry in their delegations. Including young people would enable them to be a part of the discussion and accord them the opportunity to share their views when positions are being shaped within the delegation.
- *Facilitating more national, regional and global dialogues would enable youth to share their views or raise concerns in a safe space with officials, elected representatives, governments and regional or international organizations.* At the national level, governments should require regular consultations between diplomats attending ISA meetings with national stakeholders, including youth and young people. At the regional and global levels, youth groups should be invited to regional conferences as well as other international fora to engage with leaders and officials on the topic of deep seabed mining.
- *More informative events and simulations such as the Model UN Conferences are needed to support debate on pressing issues.* These could be facilitated by universities and educational institutions and supported by academics, scientists, practitioners and experts.
- *ISA member states should consider options to institutionalize access for a broader range of voices and mechanisms that will bring their voices to the decision-making table.* For instance, the role of a ‘special representative for the common heritage of humankind’, which could formally speak on behalf of future generations, could be considered. Another possibility would be to create informal assemblies, where certain interest groups (e.g. youth and young people, indigenous people, etc.) can convene and present their views to ISA member states.

Yes, we must move fast to address the climate crisis, but we cannot afford to pursue hypothetical solutions like deep seabed mining (or another emerging one to look out for, marine geoengineering) that could ultimately cause more harm. The stakes are too high and we should hold back until such activities are backed by science, the environmental implications are better understood, and the technologies are proven to deliver within levels of harm that society is prepared to accept. Decision-making at the ISA and in other forums for global governance must be based on science, defer to precaution, and consider all views, knowledge, evidence and concerns. Industry has a role to play in this process, but it must be left to society to take these important decisions and set parameters. Alongside scientists, activists, artists and others, the youth can play a pivotal role in securing ocean justice, just as they have in the context of climate change.