

Lack of Consensus on New Deep Sea Mining Rules

Recent reports from the International Seabed Authority (ISA) indicate that negotiations to finalize regulations for deep-sea mining remain stalled, even after the latest round of talks concluded in July 2025. The deadlock stems from a deep divide among ISA member states over crucial issues, including environmental protection, financial frameworks, and the overall pace of opening up international waters to commercial exploitation.

Key takeaways from the July 2025 negotiations

- **Failure to finalize the "Mining Code":** The ISA Council concluded a line-by-line review of the proposed "mining code," but significant sections, particularly on environmental protection and financial safeguards, still lack consensus. A roadmap approved in July 2023 had aimed for adoption of the regulations during the 30th session in 2025, but this deadline was not met.
- **Deep divisions among member states:** Negotiations were characterized by competing interests. While some countries are eager to proceed with mining for valuable metals used in green technology, a growing number of states, now totaling over 30, advocate for a moratorium or a precautionary pause.
- **Continued intersessional work:** Working groups will continue discussions before the next session in 2026. The ISA Secretariat will revise the draft regulations to serve as the basis for future talks.

Reasons for the impasse

The slow progress is due to several unresolved issues:

- **Environmental protection:** A major obstacle is determining the scope of "effective protection of the marine environment from harmful effects," as mandated by the UN Convention on the Law of the Sea (UNCLOS). Scientists and environmental groups warn that deep-sea ecosystems are fragile and poorly understood, making it difficult to set appropriate environmental standards or to manage potential damage.
- **Insufficient scientific data:** Critical knowledge gaps persist regarding the deep sea, its ecosystems, and the potential impact of mining. This lack of data makes it challenging to establish a robust legal framework.
- **Equitable benefit sharing:** A central tenet of UNCLOS is that seabed resources beyond national jurisdiction are the "common heritage of humankind". Negotiators

disagree on how financial and other economic benefits from mining should be equitably shared, particularly with developing nations.

- **Enforcement and compliance:** The ISA has been criticised for not being adequately equipped to regulate a potentially massive extractive industry. Critical issues like enforcement mechanisms and liability for environmental damage remain unresolved.
- **National sovereignty concerns:** Jurisdictional ambiguity regarding deep-sea resources in and outside of national waters also presents a challenge.

Consequences and recent developments

The ongoing delays and disagreements have resulted in several key developments:

- **Industry pressure:** In January 2025, mining companies sent a letter to the ISA criticizing the "prolonged delay" in adopting the mining code and highlighting the legal and financial risks to their investments.
- **Threat of unilateral action:** Some companies, such as The Metals Company (TMC), have indicated their intention to seek permits outside of ISA regulations, prompting strong condemnation from the ISA Secretary-General.
- **Fast-tracking attempts:** Greenpeace has reported that some nations, such as the United States under the Trump administration, are pushing to accelerate deep-sea mining, further increasing pressure on the negotiations.

Driving Forces

- **Demand for Green Technology:** Supporters of deep-sea mining argue that the extracted metals (like cobalt, nickel, and manganese) are vital for powering electric vehicle batteries and other green technologies, driving a global push for access.
- **US Pressure:** The United States has recently increased pressure to fast-track the process, creating a sense of urgency for the ISA and creating tension among member states.

Dissenting Views

- **Calls for a Moratorium:** Many nations, including Chile, are advocating for a complete pause or moratorium on deep-sea mining until more research is conducted and a solid framework is in place.
- **NGO Opposition:** Environmental groups and a large number of scientists and policymakers also support a halt to deep-sea mining due to fears of damage to fragile and unstudied ecosystems.

Explanation of Exam Oriented Key Terms

01

The International Seabed Authority (ISA)

The International Seabed Authority (ISA) is an autonomous international organization established under the 1982 United Nations Convention on the Law of the Sea (UNCLOS). Headquartered in Kingston, Jamaica, its core function is to organize, regulate, and control all mineral-related activities in the international seabed area, known as "the Area," which is beyond the limits of national jurisdiction. The ISA's dual mission is to manage these mineral operations for the benefit of all humankind while also protecting the deep-sea ecosystem from any harmful effects of mining activities.

Key Aspects of the ISA

- **Mandate & Purpose:** The ISA's core mission is to organize, control, and regulate all mineral resource-related activities in the Area, ensuring the benefits are shared globally.
- **Established Under UNCLOS:** The ISA was created by UNCLOS and the 1994 Agreement relating to the Implementation of Part XI of UNCLOS, which governs the deep seabed.
- **Headquarters:** The organization's headquarters are located in Kingston, Jamaica.
- **Scope of Work:** The ISA manages the mineral resources on the seabed beyond national jurisdiction, an area comprising 54% of the world's oceans.
- **Regulatory Authority:** It grants exploration and exploitation licenses, sets rules and procedures for activities, and ensures compliance with its regulations.

- **Environmental Protection:** A crucial function of the ISA is to protect the marine environment from potential harm caused by deep-seabed-related activities.
- **Common Heritage of Humankind:** The mineral resources of the international seabed are considered the "common heritage of humankind," and the ISA is the body responsible for managing them.
- **Capacity Building:** The ISA supports developing nations by providing training and resources to build their capacity in marine scientific research and deep-seabed mining.
- **Issues exploration contracts:** The organization grants exploration licenses to state-sponsored and private entities. As of 2024, the ISA has issued 31 such contracts for minerals like polymetallic nodules, sulphides, and cobalt-rich crusts.
- **Ensures equitable sharing of benefits:** The ISA ensures that the financial and other economic benefits derived from activities in the Area are shared equitably among all member states, with special consideration for developing nations.

02

United Nations Convention on the Law of the Sea (UNCLOS)

The UN Convention on the Law of the Sea (UNCLOS) is a 1982 international treaty establishing a legal framework for ocean activities, including maritime zones (Territorial Sea, Contiguous Zone, EEZ, Continental Shelf, High Seas) and resource management. It provides for coastal states' jurisdiction and resource rights.

Core information

- **Adoption and effect:** UNCLOS was adopted in 1982 and entered into force in 1994. It is known as the "Constitution for the Oceans".
- **Purpose:** It is a comprehensive international agreement defining the rights and responsibilities of nations regarding the use of the world's oceans and management of their resources.
- **India's status:** India is a state party to UNCLOS.
- **Not a UN body:** While it was negotiated under the auspices of the UN, the UN itself does not have a major functional role in its day to day operation.

Maritime zones

UNCLOS divides the ocean into seven distinct zones. Key points to remember for each zone are:

- **Internal Waters:** Waters on the landward side of the baseline, over which the coastal state has full sovereignty.
- **Territorial Sea:**
 - **Extent:** Extends up to 12 nautical miles from the baseline.
 - **Sovereignty:** The coastal state has full sovereignty over the sea, seabed, and airspace.
 - **Right of Innocent Passage:** Foreign vessels (including military ships) have the right of innocent passage, which cannot be prejudicial to the peace, good order, or security of the coastal state.
- **Contiguous Zone**
 - **Extent:** Extends 12 nautical miles beyond the territorial sea, up to 24 nautical miles from the baseline.
 - **Rights:** The coastal state can enforce customs, fiscal, immigration, and sanitation laws.
- **Exclusive Economic Zone (EEZ)**
 - **Extent:** Extends up to 200 nautical miles from the baseline.
 - **Sovereign rights:** The coastal state has exclusive sovereign rights to explore, exploit, conserve, and manage all natural resources, both living and non-living. This includes activities like energy production from water, currents, and winds.
 - **No full sovereignty:** The coastal state does not have full sovereignty over the EEZ. All states enjoy the freedoms of navigation and overflight.
- **Continental Shelf**
 - **Extent:** The seabed and subsoil extending beyond the territorial sea throughout the natural prolongation of its land territory.
 - **Rights:** The coastal state has exclusive sovereign rights over its continental shelf for exploring and exploiting its natural resources.
 - **CLCS:** The Commission on the Limits of the Continental Shelf (CLCS) examines coastal states' claims for an extended continental shelf beyond 200 nautical miles.
- **High Seas**
 - **Definition:** All parts of the sea not included in the EEZ, territorial sea, or internal waters of a state.
 - **Freedoms:** Open to all states, both coastal and landlocked. Freedoms include navigation, overflight, fishing, and scientific research.

- **The Area (International Seabed Area)**
 - **Definition:** The seabed and ocean floor beyond the limits of national jurisdiction.
 - **Common Heritage of Mankind:** The Area and its resources are the "common heritage of mankind".
 - **No appropriation:** No state can claim sovereignty over any part of the Area.

Key institutions under UNCLOS

- **International Seabed Authority (ISA):**
 - **Purpose:** An autonomous intergovernmental body that organizes and controls all mineral-related activities in the Area.
 - **Headquarters:** Jamaica.
- **International Tribunal for the Law of the Sea (ITLOS):**
 - **Purpose:** An independent judicial body to adjudicate disputes arising from the interpretation and application of UNCLOS.
- **Commission on the Limits of the Continental Shelf (CLCS):**
 - **Purpose:** Deals with the establishment of the outer limits of the continental shelf beyond 200 nautical miles.

Dispute settlement

- **Peaceful means:** Part XV of UNCLOS mandates that all disputes be settled peacefully.
- **Mechanisms:** Options include negotiation, arbitration, conciliation, and submission to the ITLOS or the International Court of Justice (ICJ).

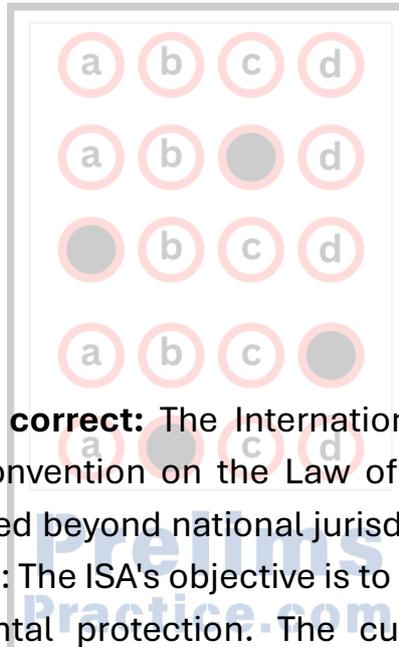
Practice Questions:

1. Consider the following statements regarding the International Seabed Authority (ISA):

- I. The ISA is responsible for regulating mineral-related activities in international waters, areas beyond national jurisdiction
- II. Its main objective is to facilitate the rapid development of deep-sea mining to meet the growing demand for minerals in green technologies
- III. Negotiations on the ISA's mining code for deep-sea mining have stalled due to disagreements over environmental protection, financial frameworks, and the pace of commercial exploitation

Which of the statements given above is/are correct?

- a) I and II only
- b) II and III only
- c) I and III only
- d) I, II and III



Answer: c

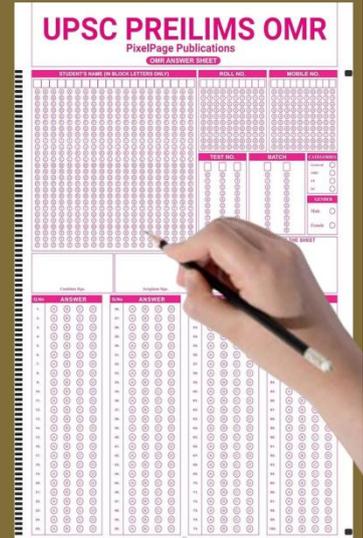
Explanation: Statement I is correct: The International Seabed Authority (ISA) was established under the UN Convention on the Law of the Sea (UNCLOS) to manage mineral resources in the seabed beyond national jurisdiction, as stated in the provided text. **Statement II is incorrect:** The ISA's objective is to regulate mineral activities, but it also emphasizes environmental protection. The current deadlock stems from a disagreement over balancing economic potential with environmental risks, not a mandate to rapidly develop mining for green tech. **Statement III is correct:** The provided text explicitly states that negotiations to finalize regulations are stalled due to divisions over environmental protection, financial frameworks, and the pace of commercial exploitation, directly supporting this statement.

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