

# Deep Sea Stewardship and the Role of the International Seabed Authority in Sustainable Management of Natural Resources in the Area

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# Ocean's ecosystem services now and in the future

- 71% of Earth's surface
- 99% of living space on Earth
- half of Earth's population dependant directly on Ocean as a source of protein
- 40% of the ocean is heavily affected by human activity

# IS DEEP SEA MINING WORTH THE RISK?



There are **4 kg of gold** for every person on the planet buried in the seabed.

That's equivalent to **US\$180,665** worth of gold per person.

Proposals to mine the ocean floor for these valuable resources are proving highly controversial.



# UNCLOS, International Seabed Authority and sustainable development

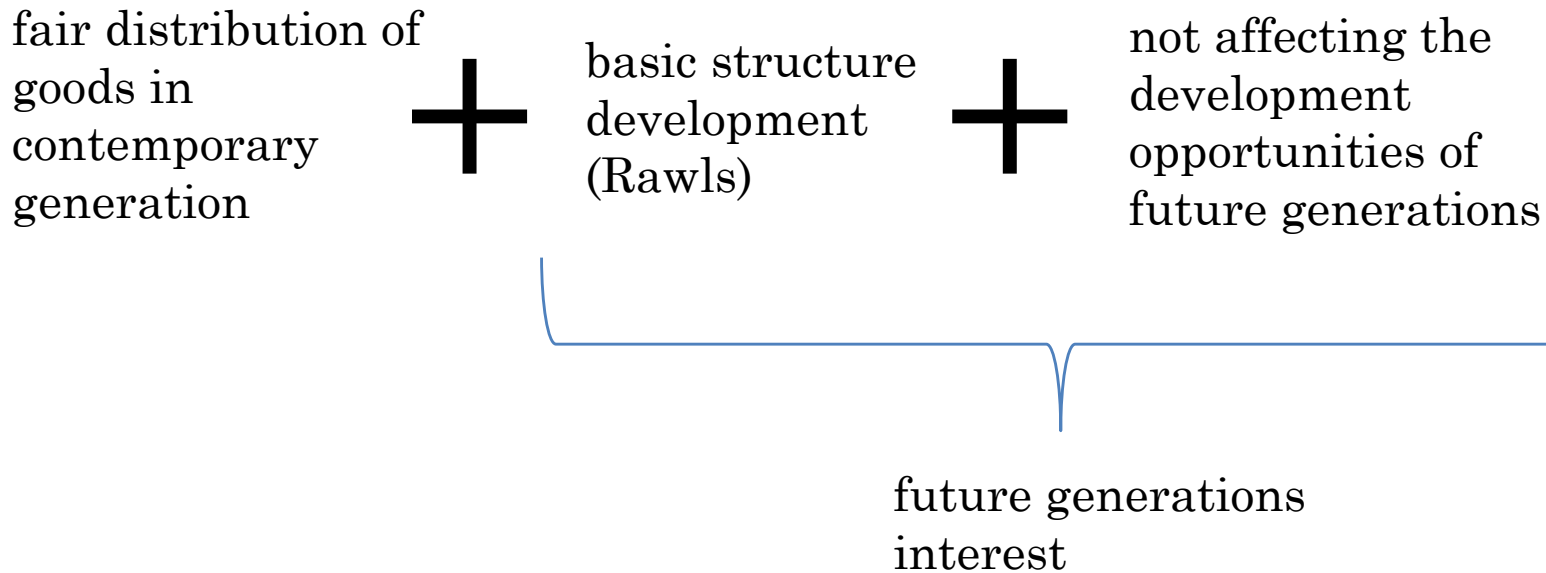
- sustainable yield from forests to sea depths
- sustainability in exploration and exploitation of seabeds – inter- and intragenerational dimensions
- sustainable development and the Area as a common heritage of mankind

# Philosophical foundations of Stewardship relations to nature (deep sea context)

- Religious perspective
- Lai philosophy perspective

# Rawls' theory of justice and deep sea Stewardship

Just savings principle



# International Seabed Authority

Ecosystem services access

Ecosystem services maintenance

Protection of the environment

Enhance the technology transfer

Marine/seabed research support

Supervision of exploration and exploitation of seabed

ISA as Enterprise founder and operator (reserved area)

Due diligence in management of deep sea resources

# International Seabed Authority as a Steward

1. no sovereign rights of states over the seabed in the Area
2. global cooperation in management and research
3. benefit sharing of the activities in the Area
4. marine environment protection
5. state's liability for activities in the Area



# Ad. 1 no sovereign rights of states over the seabed in the Area vs. Respecting coastal states' rights

- Intragenerational Justice
- Reg. 36 → Art. 142 of the Convention

“nothing in this Regulations shall affect the rights of coastal states”

# Ad. 2 global cooperation in management and research

- Reg. 33: cooperation between states and the Authority in monitoring programmes and impact evaluation
  - Impact and Preservation Reference Zones for assessing changes in biodiversity
  - conservation → explicit mention?
  - Intergenerational equity as benchmark for assessments
- Rec. Part VI: cooperative research between the contractors: data for the protection of the marine environment and cost-effectiveness
- Possibility of conflict of interest
  - independent research fund?

# Ad. 3 benefit sharing of the activities in the Area

- Technology: only in Prospecting, Reg. 3
- Knowledge: appears often
  - Sharing between the contractors:
    - Environmental Baseline Studies, Reg. 34 + Rec. Annex I, 56: Data Retrieval Scheme
    - Data for the benefit of all contractors
  - Sharing with the Authority: Rec. Part V  
→ data relevant to the protection of the marine environment (that is not confident)

# Ad. 4 marine environment protection

- Prospecting: Reg.5, Exploration: Reg. Part V
  - Best Environmental Practices (Reg. 33(2), 5(1), 33(5), Annex IV), Environmental Impact Assessments (33(6)) etc.
- Precautionary Approach, e.g. Reg. 33
  - Dealing with uncertainties, acting proactively
  - Long-term sustainability = fairness towards future people
- Emergency Orders, Reg. 35: important, not yet decided how to give effect to them

# Ad. 5 state's liability for activities in the Area

- Art. 139 of the Convention + SDC Advisory Opinion
  - obligations of sponsoring states
  - Damage + causality = liability for the actual amount of damage
- Reg. 32
  - Contractors can be held liable for environmental harm, even after completion of the exploration
- Compensation?
  - Not yet in the Mining Code
  - Restoration or financial compensation
  - Precaution before restoration

# Conclusions

- Stewardship as a method of managing the deep sea for contemporary and future generations
- Due diligence as a requirement of stewardship of the deep sea
- Deep sea regime as a unique opportunity for equitable deep sea resources sharing
- Stewardship is expressed in the Mining Code in almost all of its facets
- Space and need for amendments (sharing of technology, emergency orders etc.)
- Exploitation framework as a chance for closing gaps: independent fund, compensation, intra- and intergenerational justice as a benchmark

# Thank you for your attention

