

Deep-Sea Mining: A Wild Wild West

Our world has numerous global problems, but no global government. Land is ruled by countries, but the seas, which cover more than 70% of Earth's surface, are much harder to govern. With the present fragile international order, how do we determine who takes control of the sea's minerals with companies and countries alike vying for them?

The Clarion-Clipperton Zone ("**CCZ**") is an area rich in polymetallic nodules. It lies within waters that are classified as the Common Heritage of Humanity in Article 136 of the United Nations Convention on the Law of the Sea ("**UNCLOS**"). This area covers the deep seabed and ocean floor outside of national jurisdictions and is governed primarily by the International Seabed Authority ("**ISA**"). In 1982, Maltese ambassador Arvid Pardo proposed to the United Nations General Assembly that an area of the seas should be declared and protected as the Common Heritage of Humanity. Today, UNCLOS Article 140(1) highlights that activities in the area must be carried out for the benefit of mankind.

The CCZ contains an estimated 363 million tonnes of polymetallic nodules, which boasts high levels of copper, manganese, nickel and cobalt. These critical minerals are crucial for the development of technology, forming the basis of mobile phones, lithium-ion batteries and electric vehicles, and playing a major role in electronics, energy storage and manufacturing. Companies such as The Metals Company ("**TMC**") have leveraged this to advertise "mining for the benefit of mankind", as these critical minerals are indispensable in the sustainable energy transition. Yet this argument is flawed. Technology has frequently evolved in ways that render minerals previously thought as crucial, obsolete. Moreover, there is insufficient research into the environmental damage caused by mining, and it may instead have long-term consequences that outweigh the benefits of what the minerals can create. However, TMC has not waited for this research but forged ahead.

Companies like TMC have also exploited legal loopholes to apply for mining permits. Following UNCLOS Article 140(2), the International Seabed Authority must ensure the equitable sharing of economic benefits derived from the Area with developing states. Under the provision, TMC has partnered with developing nations like Nauru and Tonga to apply for mining permits. However, it has promised Nauru less than 1% of its total estimated mining value, a figure that brings into question the equitability of its sharing.

At present, the ISA has yet to approve mining permits for TMC. This has not deterred TMC. In 2025, TMC applied to the United States National Oceanic and Atmospheric Administration for three licences, one of which is explicitly intended for commercial exploitation of the deep sea. In the same year, the ISA issued a statement chastising President Donald Trump's Executive Order: 'Unleashing America's Offshore Critical Minerals and Resources', an order which seeks to fast-track deep sea mining outside of the United States' territorial waters. As the United States has yet to ratify UNCLOS, such Orders in effect give the green light to mining companies seeking to exploit administrative loopholes to make a quick profit.

When one of the world's most powerful nations demonstrates blatant disregard for the international legal order, it is difficult to see how companies and countries seeking to further their own interests will not do the same. In March this year, Greenpeace International compiled evidence pointing to TMC's breach of its exploration contracts provided by ISA. A breach of international law may result in terminated licences. However, this may be immaterial if TMC is able to source permits from elsewhere.

With the international order becoming increasingly fragile and fragmented, deep-sea mining risks become a lawless race for profit rather than an endeavour embarked upon for the shared benefit of mankind. Ruled by profit rather than principle, deep-sea mining may indeed be entering an era of the Wild Wild West.

However, perhaps not all is lost. At present, 40 countries have supported a moratorium on deep-sea mining, including the United Kingdom and Canada. In Norway, concerns from environmental groups over the repercussions of deep-sea Arctic mining has pushed the newly elected government to pause all deep-sea mining licences until 2029. These positive steps taken by governments worldwide show that ground-up efforts are not in vain. They play an important role in challenging policy decisions made by authorities and sway the course of the deep sea's future. With the growing global momentum towards environmental protection, perhaps there is hope that the moratorium will take effect and the deep sea can remain preserved and protected in its beauty and wilderness.

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