

## The tragedy of common heritage: environmental conservations and the exploitation of the resources of the deep seabed

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### Project Background Information/Introduction:

The deep seabed, some 4,000 meters below the ocean's surface, hides the last untouched reservoirs of mineral resources on Earth, a part of the global commons to be shared by all. It also harbours fascinating creatures, whole ecosystems, and natural processes that connect with to us in ways that we do not yet fully understand.

Efforts to regulate and allow for commercial exploitation of that area are underway at the International Seabed Authority. As an intergovernmental organization set up with a mandate to balance the pursuit of the activity with care for the environment, avoiding any serious harm, its negotiations on the mining code are an example of how international law is made.

Representatives from states, prospective miners, environmental advocates, and the bureaucracy of the Authority itself all play their roles in shaping the negotiations, defending their interest, and relying on scientific advice to come up with environmental rules that will fulfil the mandate.

How that scientific knowledge is incorporated in the negotiations and into the resulting legal texts is the main question of this project. The particular challenge is to identify how knowledge is produced to support those decisions and how the very absence of such knowledge (ignorance) may also support certain stances and end up shaping law.

Its relevance goes the beyond the confines of the United Nations Convention on the Law of the Sea (UNCLOS), as the most pressing current environmental issues, such as climate change and energy production, all face similar challenges. And it touches the SDGs as we seek ways to move beyond simple extraction chains, while remaining to rely on established industries and practices.

### Approach, Delivery, & Challenges:

To investigate the regulation-making processes at the International Seabed Authority, a multi-method approach was needed. So at the first stage of the research, we looked at historical sources to trace the negotiations of UNCLOS, the founding legal instrument that in the 1970s and 1980s established the framework of the seabed as "Common Heritage of Mankind" and invested the task of caring for it in the Authority.

## **Case Study: The tragedy of common heritage: environmental conservations and the exploitation of the resources of the deep sea bed**

Scientific advice, it must be noted, was already a major component of those conferences, leading to a charter that gives ample space to marine scientific research, environmental protection, and continuous attention to the best available scientific knowledge.

Next, an ethnographic fieldwork was conducted by following the current negotiation process in situ, at the Authority's headquarters in Jamaica, where Durham University holds observer status. The proceedings were recorded through notes, and brief informal conversations were conducted with some of the stakeholders, providing a deeper understanding of the various arguments and advocacy groups that try to influence the resulting mining code.

A continuous theoretical exercise, meanwhile, has brought an array of sociological arguments, drawn mainly from Science and Technology Studies literature, helping to explain the ways through which scientific knowledge is co-produced along with social order (regulations), as well as how ignorance or lack of such knowledge is likewise a powerful force in the whole process.

At the current stage, the project is tying up all those ends into a coherent account that not only answers the initial questions posed, but also contributes to a broader understanding of ocean governance and of the role science does or ought to play in those processes.

### **Contributions to the SDGs and Lessons Learned:**

SDG 14 calls to "conserve and sustainably use the oceans, seas and marine resources for sustainable development." There is an effort to promote deep seabed mining within this context, as an alternative to terrestrial mining and the nefarious impacts that this extractive industry has brought upon the planet. Likewise, the use of those metals for increasing battery storage capacity, allowing for the use of renewable energy sources in vehicles instead of carbon-based fuels, for instance, has also been used to justify the endeavor.

This project challenges those assumptions and questions whether mining can indeed play a part in promoting sustainable development. By looking into how a lack of scientific information on the expected impacts of seabed mining helps the case that it is a harmless and legitimate alternative, we hope to raise some concern on the discourses that have so far dominated the proponents of the activity.

In the same vein, we examine the mandate of the Authority and the legal possibilities for it to be not only a promoter of the activity, but an organization that may question the need and convenience of such activity in face of the possible impacts. Furthermore, the suggestion of a circular economy in the metal sector will be considered as an actual SDG to be pursued.

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