

Greenpeace International statement on Item 13. Preliminary considerations on Council decision ISBA/30/C/19 (ISBA/31/C/4/Add1)

Delivered 16 March 2026

Mr. President,

This intervention is delivered on behalf of Greenpeace International, Oceans North and the Deep Sea Conservation Coalition.

We take the floor to highlight the fundamental importance of this enquiry for the credibility of the Authority now and in the future. The legitimacy of this body rests on its ability to protect the common heritage of humankind. Currently, that shared heritage is under direct threat from a corporate group that is playing two sides of a legal fence.

The facts regarding The Metals Company (TMC) and its wholly-owned subsidiaries—NORI, TOML, and TMC USA—are well-documented, including on TMC's own website. While NORI and TOML enjoy the benefits of ISA exploration contracts, their parent company is brazenly using a separate subsidiary, TMC USA, to bypass this Authority and attempt to unilaterally exploit the Area.

Gerard Barron, who holds CEO and director roles across TMC, TMC USA, TOML, and NORI, has publicly stated that “the ISA does not have an exclusive mandate to regulate seabed mining activities in the Area.” Furthermore, subcontractors like Allseas are cited in TMC USA's applications as their operational partner for unilateral mining activities.

Greenpeace International has provided a briefing compiling fully referenced information from public sources to support the ISA's inquiry. The evidence suggests serious potential breaches of ISA contracts, specifically regarding Sections 13 and 27 of the Standard Clauses.

First, NORI and TOML, through their sponsoring associations with Nauru and Tonga, are locking up areas reserved for developing countries, which would be exploited by TMC USA if their US mining application is authorized. Second, these ISA contractors have amended their respective sponsorship agreements to create a financial mechanism predicated on the commencement of this unlawful mining, financially compensating their sponsoring states if TMC USA's unilateral mining goes ahead. Third, exploration data obtained through their ISA contracts—including data provided in good faith by pioneer investors— has seemingly been repurposed to inform TMC USA's unilateral mining applications. Finally, management overlap shows that NORI, TOML and TMC USA operate as an integrated corporate group under TMC's strategic direction.

We believe that these actions indicate a failure to act in good faith, as is required by their contract, as well as a clear rejection of the ISA's authority over the international seabed. While seeking to preserve their ISA rights, NORI and TOML prevent competing applications while their sister company seeks a more lenient regulatory environment elsewhere. They are seeking to accept the benefits of the international regime while repudiating its burdens and benefit-sharing obligations. This is appropriation of the global commons, directly contrary to article 137 of the Convention.

This Council cannot simply sit and watch; rogue actors must face consequences. As the LTC states in paragraph 6 of the LTC addendum to its report: "Both Sponsoring States and contractors shall refrain from undermining the Convention." Furthermore, all States have obligations to uphold articles 137 and 139 of UNCLOS. It is not enough for States to merely voice their concerns; they have the tools to take action to create major barriers from unilateral mining going ahead. If this inquiry identifies breaches of contract, the Authority must terminate the contracts or refuse the extension of contracts for those facilitating unilateralism. A response short of this would risk signaling that private commercial actors, not Member States, set the agenda for the deep sea.

It is shocking and unacceptable that two contractors, in their response to the Secretary-General's request for information, called the Council Decision launching the inquiry unlawful. It is a vital function of the Authority to ensure and enforce compliance from contractors, especially when the integrity of the international legal framework is under threat. This Council meeting should therefore implement the recommendations made by the LTC; welcome the progress made so far by the LTC; affirm the lawful basis for this inquiry; extend the mandate for the LTC to continue this inquiry to report back in July; ensure public information is included subject to due diligence; and affirm that all states take measures to ensure activities in the Area carried out by their nationals are in conformity with UNCLOS. No exploration contracts should be extended for any contractors at risk of non-compliance while this inquiry is ongoing.

Furthermore, as the inquiry progresses, States must recognize that rushing to finalize a Mining Code is not a credible response. Adopting flawed, premature regulations will not stop unilateralism; it will only legitimize bad faith action. Quickly adopting weak regulations means falling into a trap set by corporate actors who hold the pillars of UNCLOS and international law in contempt.

The legitimacy of the ISA is found in its ability to protect the common heritage. We call on Member States to implement a moratorium on deep-sea mining and to take firm action, ensuring that those who undermine our collective multilateral system face consequences.