

**THE
HILL**

Battle over the deep seabeds

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No issue highlights the intersection of high-tech, climate change, international law, mining, biodiversity, cold war skullduggery, geopolitics and military interests as much as proposals to mine the deep ocean floors for billions of potato-shaped, mineral-rich, porous rocks called manganese nodules. In June, the tiny island country of Nauru (pop 10,000) set in motion a confrontation among great powers, the UN, the navies of many countries, high-tech ocean mining companies, environmentalists and more over deep seabed nodule mining.

The conflicts go way back to the 1970s, when then-rockstar billionaire, Howard Hughes, announced that his next big business was mining deep ocean floors for these nodules. Officials, executives and military brass worldwide took notice as Hughes launched a specially-built ship to scoop up nodules for manganese, nickel, copper and more. In a turn of events that almost defines “you couldn’t make this up,” however, it turned out that Hughes seabed mining venture was a cover for a top-secret project his company had undertaken for American intelligence to recover a sunken Soviet nuclear submarine. By then, however, the wheels had been set in motion to figure out who owns these seabed minerals, particularly since other American businesses had plans to mine the deep seabeds.

During the same period, the offshore oil drilling industry — driven by oil price increases — was gradually moving further out to sea on the continental shelves. This led to conflicting claims over who owns the oil in the continental shelves beyond each coastal country’s historically recognized three-mile-wide territorial sea (at one time, the furthest a cannon could reach.) Also, by the 1970s, modern fishing technologies enabled fleets of large ships to remove entire schools of fish on an industrial scale from just beyond a nation’s three-mile territorial sea. This created enormous international friction between the coastal countries and the fishing fleet countries. Some claimed that territorial seas should be extended to 12 miles and that there should be an exclusive economic zone beyond the territorial sea. But the biggest push for international ocean agreements came from the U.S. Navy, which wanted to update and clarify such naval topics as the proper width of territorial seas, the rights of ships to innocently transit through straits, military oceanic protection zones and more.

All of these pressures came together in the UN's Law of the Sea Conference, which brought together most of the world's nations during the 1970s to sort out the ownership of the supposed deep seabed mining bonanza, as well as a wide range of top priority naval, fishing, offshore oil drilling and purely legal issues. The result, by the end of the 1970s, was The UN Convention on the Law of the Sea (UNCLOS); which methodically addressed all of these issues and many more. On the once-hot issue of who owns the manganese nodules miles below the surface, the treaty declared these were "the common heritage of mankind" and put them under the control of a new Jamaica-based international organization, the International Seabed Authority (ISA), given the authority to license deep seabed mining, with some of the proceeds going to developing countries.

Unfortunately, by the time the UN finished its work, the world had changed: Howard Hughes never had any interest in deep-sea mining; other seabed mining businesses lost interest, and Ronald Reagan was elected on a platform of skepticism or hostility towards such things as a new UN ocean agency and ideas like "the common heritage of mankind." And so, while the U.S. achieved most of what it wanted in UNCLOS, because of the "common heritage" deep seabed provisions, the Reagan administration opposed the treaty. Basically, it took the position that almost everything in the UNCLOS was international law except for the deep seabed provisions. Over 160 other countries ratified the treaty, however, and so the ISA was established, and it mainly approved exploration applications.

Until the 2020s, when the combination of an explosion in demand for electronic devices, advanced batteries and electric cars (driven by climate change) led to a search for the needed metals. A new generation of deep seabed mining entrepreneurs stepped forward with technologies vastly improved from the 1970s.

Unlike in the 1970s, however, environmentalists are quite active on ocean issues today, and they prominently raised biodiversity concerns. There's almost no way to remove these nodules from miles below the surface without significantly disrupting the otherwise untouched seabed itself: One technique involves a gigantic vacuum cleaner sucking nodules a mile or more up to a filter on the surface and then returning the unneeded stuff to the mid ocean, where it

eventually settles back to the seabed. This would not be easy on any affected deep-sea life, most of which is probably undiscovered or not understood, or on life in the mid-oceans.

And so, a major pushback against the ISA authorizing deep seabed mining has now come from environmentalists concerned about deep seabed life and biodiversity. Oddly enough, they are joined by the descendants of the 1980s Reaganites, who firmly believe that no UN-like agency has a right to license anything on the deep seabed: Like fish in the high seas, deep seabed nodules belong to whoever takes them. Taking exactly the opposite position are several countries in the UNCLOS who imply that any effort by anyone to just “take” these deep seabed nodules without a license from the ISA will be classified as a pirate and treated accordingly.

Enter tiny Nauru, which claims that it wants to mine the deep seabed; and it therefore demands that the ISA set forth the licensing rules and conditions. Under the treaty, the ISA has two years to do so.

And so, the UN agency professionals, the diplomats, the international lawyers, the Reaganites, the high-tech deep-sea mining businesses, the environmentalists, the high-tech global battery and electronics industries and their climate change allies are all getting ready ... as are the warships. Watch this space.

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