Statement on the US Executive Order:
'Unleashing America's Offshore Critical Minerals and Resources'

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STATEMENT
by
Ms. Leticia Reis de Carvalho
Secretary-General of the International Seabed Authority

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As Secretary-General of the International Seabed Authority (ISA), I take note of the Executive Order "Unleashing America's Offshore Critical Minerals and Resources" issued on April 24, 2025, and the subsequent submission by The Metals Company USA on April 29 for Commercial Recovery of Deep-Sea Minerals in the High Seas Under U.S. Seabed Mining Code.

These actions follow the announcement by The Metals Company USA LLC regarding its intention to apply for commercial recovery permits under the US Deep Seabed Hard Mineral Resources Act of 1980, issued on 28 March 2025, to which I made a statement at the 30th ISA Council.

The issuance of an Executive Order by the Government of the United States regarding deep-seabed mineral resources raises specific concerns because while the Order primarily addresses domestic political and policy matters, its reference to applicability in areas beyond national jurisdiction becomes a matter of the rule of law within the global ocean governance framework known as UNCLOS (the UN Convention on the Law of the Sea); concerns made more severe by the fact that the recent permit request is for mining in the deep sea outside of the jurisdiction of the United States. Its issuance is also surprising because for over 30 years the US has been a reliable observer and significant contributor to the negotiations of the International Seabed Authority, actively providing technical expertise to each stage of the development of the ISA regulatory framework.

The United Nations Convention on the Law of the Sea (UNCLOS) has delivered a comprehensive legal framework that governs maritime rights, navigational freedoms, and the sustainable use of ocean resources—vital for peace, trade, and environmental protection. For the world, it has established order in

ocean governance, reduced territorial disputes, and safeguarded the high seas for all. Even for those states which are not parties, it has reinforced navigational rights critical to naval and commercial operations, and it provides a legal foundation for claims to vast undersea resources in their exclusive economic zones, boosting energy security and potential economic development.

It is in this context that many are asking what is at stake if a country that has not ratified UNCLOS, and therefore is not part of the International Seabed Authority, tries to potentially issue commercial exploitation permits of deep seabed mineral resources in the "Area" which is the name of all earth's seabed, ocean floor, and subsoil beyond national jurisdiction.

The United Nations Convention on the Law of the Sea, which serves as the legitimate multilateral framework for governing our Oceans and reflects general principles of international law and customary international law proclaims the Area and its resources as the Common Heritage of Humankind. A direct corollary of this legal status is that no State may claim, acquire, or exercise sovereignty or sovereign rights over any part of the Area or its mineral resources. This includes a prohibition on appropriation and alienation by any State, or by any natural or juridical person.

The Convention and the 1994 Agreement further establishes the Authority, clearly mandating that all activities related to mineral resources in the Area must be conducted under the Authority's oversight to ensure sustainable use, equitable benefit-sharing, and environmental protection. Accordingly, exploration and exploitation activities in the Area must be carried out under the Authority's control, that is, under a contract with the Authority and in accordance with the rules, regulations, and procedures it establishes; and no State has the right to unilaterally exploit the mineral resources of the Area outside the legal framework established by UNCLOS. It is common understanding that this prohibition is binding on all States, including those that have not ratified UNCLOS.

The concept of the Common Heritage of Humankind is so fundamental to the Convention that it constitutes the only provision that cannot be amended, nor can States Parties enter into any agreement derogating from it (Article 311, paragraph 6).

This fundamental concept carries significant legal implications, imposing clear obligations that apply to all countries and companies. For starters, parties of UNCLOS have a duty not to recognize any acquisition or exercise of rights over minerals recovered from the Area by any State or by any natural or juridical person that are not conducted in accordance with Part XI of UNCLOS. It is the collective responsibility of the international community to uphold and enforce these obligations.

It is worth noting that the US Executive Order refers to "Unleashing America's Offshore Minerals and Resources". However, this can only refer to resources found on the US seabed and ocean floor because everything beyond is the common heritage of humankind. This means that we are all stakeholders to what happens in the deep sea. It also means that any unilateral action not only threatens this carefully negotiated

treaty, and decades of successful implementation and international cooperation, but also sets a dangerous precedent that could destabilize the entire system of global ocean governance.

At a time when the global community is working collectively to develop a robust regulatory framework, any unilateral action risks undermining the fundamental principles that have guided deep-sea governance for decades.

There are claims that the regulatory process at the International Seabed Authority has been excessively slow and delayed. As one might imagine, the level of legal complexity of such work cannot be denied. Any negotiations where 169 countries are involved, and where foundational concepts such as "common heritage" and global "benefit sharing" are being implemented, with many interests at stake, but overall, dealing with a common good which belongs to all, will never be easy; and this is precisely why the advancement of the exploitation regulations and the Mining Code are taking time for countries to develop, and agree. This is also a process where other stakeholders have actively participated and where technical expertise is an essential element.

Though my tenure thus far has been 4 months, I have led the 30th Council and have seen first-hand the goodwill, commitment and ambition that countries are demonstrating in their attempts to find common ground towards advancing the regulatory framework by the end of 2025. I therefore reject any allegation that the Authority is in any way biased towards environmental groups, causing delays and a disadvantage to developing countries. This perspective is naive and disrespects the hard work of Member States in a highly complex negotiation. It also misrepresents the very spirit of UNCLOS, which is to ensure that developing countries are fully heard and that their inputs have equal weight with developed countries who have already had full advantage over the world's resources through their economic influence and technological prowess.

In closing, I reiterate that ISA Member States are working as effectively and responsibly as possible to develop regulations for the consideration of extraction activities as laid out by the procedures and roadmap agreed among the Council members. This is a multilateral state-driven and consensus-based process. The International Seabed Authority does not exist to obstruct progress. It exists to enable progress responsibly — equitably, sustainably and in accordance with international law. Our collective work to finalize the Mining Code is not a bureaucratic exercise; it is the foundation for ensuring that any activities in the Area benefit all humanity, for present and future generations, while protecting the marine environment.

As ISA Secretary-General, I sincerely hope—and invite—the Government of the United States to channel its efforts toward developing a leading role in deep-sea science, technology, and seabed mineral resource activities through the institutional and legal frameworks established by the international community under the United Nations Convention on the Law of the Sea, a treaty that enjoys broad global recognition and legitimacy. I would respectfully submit that the advantages for the United States in engaging through the

international legal system are substantial and far outweigh the potential risks and challenges associated with unilateral action across the chain, from intergovernmental relations to investment security.

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