



EXAMINATION BRIEFING

Trump's deep-sea mining executive order: implications for international law and resource competition

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Peripheral Regions

Salome von Stolzmann

Edited by Mohammad Alkhateeb

Trump's deep-sea mining executive order: implications for international law and resource competition

Executive Summary

- Trump's executive order accelerates deep-sea mining to challenge China's dominance in critical minerals amid economic tensions.
- The order bypasses UN regulations to accelerate US deep-sea mining, challenging China's mineral dominance despite international legal concerns.
- The move increases the present risk level for triggering an unregulated global deep-sea mining race as major powers bypass international frameworks to secure critical minerals.

Context

On 24 April 2025, US President Donald Trump signed an [executive order](#) aimed at accelerating deep-sea mining in US waters, as well as international waters. This order is an attempt to rival China's [dominance](#) over the critical minerals industry and comes amidst rising economic tensions between the two global powers.

The executive order is designed to provide American deep-sea mining companies with access to billions of polymetallic nodules that lie in the depths of the oceans, [within and beyond](#) US waters. Those nodules store strategically important minerals such as nickel, copper, manganese and cobalt. These metals are widely [used](#) across different industries, from smartphone batteries and steel production to defence systems.

Washington's decision will therefore strengthen the resilience of the US supply chain for these minerals and thereby for critical technology. Demand for American mining permits is high, since private companies do not have the license to explore deep-sea mining without being sponsored by a state. The Metals Company (a US-listed company) has already [applied](#) for a licence to mine the seabed on 29 April, only four days after the White House announced the executive order.

Analysis

The executive order comes as a continuation of Washington's aggressive [pursuit](#) of rare earth minerals deals around the world to ensure resource control. Resource control has become a primary concern for the Trump administration and is part of Washington's diplomatic strategy. Earlier in the year, Washington [struck](#) a deal with Ukraine to continue military assistance in

exchange for rare minerals. Trump's transactional diplomacy [embodies](#) a fundamental ideological transformation: the conviction that American geopolitical strength derives not from international cooperation or diplomatic influence, but from securing natural resources. Securing rare minerals is likely an [effort](#) to catch up with China's dominance and control over the rare earth minerals sector.

However, the US currently [lacks](#) the processing infrastructure needed to handle polymetallic nodules on a large scale. Only one company has produced battery materials during bench-scale testing, meaning substantial capital investment will be required to establish full-scale processing facilities. More critically, the order [risks](#) creating unprecedented international disputes, as the US will potentially issue licences in waters overlapping with areas already designated to other nations by the International Seabed Authority (ISA). This will likely trigger complex resource governance conflicts with allies.

The order breaches international law, as it seeks to issue deep-sea mining permits for areas outside US jurisdiction. In 1994, the UN Convention on the Law of the Sea (UNCLOS) [formed](#) the ISA, which has the authority to regulate deep-sea mining in international waters. Although the US has [never ratified](#) UNCLOS, this order still breaks international law because the US cannot solely determine the allocation of rights to international waters and their resources. The ISA, as the highest legal and regulatory authority on this matter, currently forbids deep-seabed mining beyond the confines of a state's own waters. This order [bypasses](#) long-running UN negotiations, which aim to reach an internationally agreed framework for deep-sea mining in international waters.

UNCLOS [dictates](#) that international waters which lie outside the 200-mile exclusive economic zone of a country's shoreline are of common ownership and cannot be claimed by any single state. UNCLOS [exists](#) to prevent the establishment of monopolies by more developed states or private companies, which possess the logistical and economic capabilities to explore areas of the ocean for potential deep-sea mining.

In the process of sponsorship, the sponsoring state is [responsible](#) for monitoring a company's activities, including its exploration of the ocean floor. The state is equally tasked with [safeguarding](#) the regulatory framework established by UNCLOS, ensuring that it is adhered to. Companies had previously [sought](#) out small island states as sponsors, with lucrative returns for those states. These states lack the capacity to exercise effective control over large companies, allowing those companies to break ISA rules with impunity.

Although proponents of deep-sea mining [argue](#) that it would decelerate surface metal mining and the deforestation that accompanies it, there are a [multitude](#) of environmental concerns which accompany the practice, including the release of a cloud of dust in the ocean, which would impact

small island states most severely. Most importantly, the microbes at the bottom of the ocean play a significant role in the carbon cycle, as the oceans absorb about 25 per cent of the carbon released into the atmosphere. Hence, deep-sea mining could significantly harm marine life and accelerate global warming.

The US has circumvented the UN and pushed ahead in the race for minerals, seeking to [guarantee](#) 'secure supply chains for [their] defense, infrastructure, and energy sectors'. Currently, Beijing [dominates](#) the global production of rare earth and critical minerals such as cobalt and lithium. As these minerals have military uses, Washington recognises the urgency of achieving self-sufficiency and mitigating its reliance on China's supply chain amidst rising tensions between the two countries.

There is [support](#) in the international community for a moratorium on deep-sea mining due to the lack of a common legal framework. China, however, is among the countries that have signalled their desire to pursue deep-sea mining. ISA has [awarded](#) three exploration contracts to Chinese companies.

According to the World Bank, demand for rare minerals such as cobalt and lithium will [rise](#) by 500% by 2050 to account for the demand for clean energy technologies. Nevertheless, the circumvention of a regulatory framework [increases](#) the risk of geopolitical tension in international waters.

Since no country has a singular claim over deep-sea minerals, countries in favour of fast-tracking deep-sea mining will likely increase their naval presence as they vie for control over a given area. With demand for rare minerals increasing, the Pacific Islands will likely gain more geopolitical leverage as they [control](#) nearly 12 million square miles of the Pacific Ocean. The Cook Islands, Kiribati, Nauru and Tonga border the [Clariton-Clipperton Zone](#) and therefore have disproportionate leverage over deep-sea mining in the Pacific Ocean. States with an interest in deep-sea mining will likely court small island nations for access to deep-sea mining.

Forecast

The commercialisation of the deep sea is imminent. While some countries support a moratorium on deep-sea mining and exploration, major players such as China, the US, Japan, and India do not. They seek to be first movers regarding deep-sea mining and to access essential minerals. The lack of a legal framework and the different approaches between countries are likely to stall progress on a legal framework governing deep-sea mining and exploration.

With the US violating international law, many countries will likely be tempted to accelerate deep-sea mining in their exclusive economic zones. Due to China's near [monopoly](#) on rare earth minerals, Beijing will likely follow suit with the US and explore international waters for deep-sea mining to maintain its monopoly. This executive order risks a race for minerals before establishing a legal framework, whilst ignoring any environmental concerns.

Trump's unilateral approach reflects a broader ideological shift away from multilateralism towards what might be termed '[mineral diplomacy](#)'. Whilst this strategy aims to secure critical resource independence from China, it will likely alienate allies and embolden other nations and particularly China itself. Countries invested in deep-sea mining will potentially abandon the ISA framework once their technological capabilities mature. Foregoing the ISA framework will potentially accelerate the 'race to the bottom' that Washington seeks to dominate.

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For business inquiries and more information, reach out to us via:

- Email: info@global-weekly.com

- Phone: +44 7802 751 990

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