



The Commonwealth

June 2017

Briefing

Oceans and Natural Resources

Deep-Sea Minerals

The Commonwealth Secretariat has a long history of advising on mining and petroleum policy, law and taxation – and now offers world-leading expertise to Commonwealth Member countries in relation to the new industry of deep-sea mining.

For those Commonwealth member countries considering engagement with deep-sea mineral activities, the Commonwealth Secretariat's experts are available to provide advice and technical assistance, upon request, in relation to deep-sea mining issues, including:

- Deep-sea mining economics
- Government policy on deep-sea mining
- Laws for regulating deep-sea mining activities within national waters
- Arrangements for sponsoring deep-sea mining activities within international waters

Latest Developments: Focus on the International Seabed Authority

All Commonwealth member states are members of the International Seabed Authority ('ISA'), the body created by the UN Convention on the Law of the Sea to manage deep-sea mining activities in 'the Area' [the term used for the seabed beyond national jurisdiction]. More information about the ISA can be found on their website, here:

<https://www.isa.org.jm/>

Furthermore, all Commonwealth nationals have a stake in the deep-sea minerals of the Area, as these are legally designated 'the Common Heritage of Mankind'.

Since 2001, the ISA has issued 26 contracts for deep-sea mineral exploration in the Area – including contracts held or sponsored by 7 Commonwealth member states:

The Cook Islands; India; Kiribati; Nauru, Singapore; Tonga and United Kingdom

The Commonwealth is also well-represented on the ISA's decision-making bodies, comprising 16 of the 36 members of the Council (the executive organ of the ISA).

Although no contractor has yet made an application to mine in the Area, significant steps are underway at the ISA to develop the rules and procedures that will apply to future mining. These include consultation and discussion papers on:

Exploitation Regulations:

https://www.isa.org.jm/files/documents/EN/Regs/DraftExpl/Draft_ExplReg_SCT.pdf

Environmental Matters:

<https://www.isa.org.jm/files/documents/EN/Regs/DraftExpl/DP-EnvRegsDraft25117.pdf>

Financial Terms:

<https://www.isa.org.jm/files/documents/EN/WorkingPapers/DiscussionPaper-FinMech.pdf>

The Commonwealth Secretariat – through correspondence with the ISA, attendance at stakeholder workshops, and participation in expert working groups – has been seeking to inform the ISA's development of regulations in line with the Commonwealth Charter, including the principles of Good Governance, Sustainable Development, and Protecting the Environment.

Member countries are encouraged directly to participate in these consultations, and relevant ISA meetings. Our expert team are available to advise Commonwealth member states looking for more information (contact h.lily@commonwealth.int).

The Commonwealth Secretariat team also hope to see you at the ISA's Annual Session in Kingston, Jamaica 31 July - 18 August 2017, where many of these issues will be discussed.

Upcoming Events and Publications

ComSec expertise showcased!

Two Commonwealth experts speak at the 6 Annual Deep Sea Mining Summit in London 22-23 May 2017: <https://www.deepsea-mining-summit.com/>

Save the Date! Please join us on 1.15-2.30pm Monday 14 August 2017 at ISA Headquarters in Kingston, Jamaica - for an exclusive **Commonwealth Deep-Sea Minerals** side event.

Commonwealth Secretariat is also on the Steering Group for a 1-day workshop '**From Paper to Practice: Implementing the ISA Mining Code**', to be held on Saturday 12 August 2017 in Ocho Rios, Jamaica. This is open to all Commonwealth member states to attend (subject to space constraints).

Examples of questions at stake in the current consultations include:

- What structure, resources and legal powers are required for the ISA to move from a high-level intergovernmental body, to a fit-for-purpose mining regulator?
- How will mining projects be monitored, and how do oversight responsibilities divide between the ISA and a contractor's sponsoring state?
- What prior environmental assessment must be undertaken, what must be demonstrated about potential impacts, and what conservation measures should be taken, before the ISA permits any mining projects?
- How will mining contractors in the Area be 'taxed', and how these revenues be applied to benefit mankind as a whole, and developing and landlocked states in particular?
- What data is required to enable robust ISA decisions, and how should this be managed and shared with other stakeholders?

Read All About It! The Commonwealth Secretariat contributes to a 'debate in print' about the ISA's role, here: https://www.eli.org/sites/default/files/tef/thedebate/seabed_debate.pdf

For more information on these items, or any deep-sea mineral matters, please contact Hannah Lily on h.lily@commonwealth.int



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