

CENTRE FOR INTERNATIONAL LAW

Distinguished Speaker Series

CIL

23 January 2014, Thursday, 4.00PM – 5.30PM

**Executive Seminar Room, Level 3, Block B, NUS Bukit Timah Campus
469 Bukit Timah Road, Singapore 259756**

THE PROSPECTS OF MINING THE DEEP SEABED: Law, Economics, Marine Science and Technology

INTRODUCTION

Just like the terrestrial environment, the seafloor is made up of mountain ranges, plateaus, and volcanic peaks, canyons and vast plains. It contains most of the same minerals we find on land, often in enriched forms, as well as mineral formations that are unique to the deep ocean such as ferromanganese crusts and manganese nodules. The possibility of mining the deep seabed has been known for several decades. As long ago as the 1960s, the idea that manganese nodules on the deep seabed offered the prospect of massive profits for industrialised nations with the technology to access them, coupled with the fear that there would be a race to colonise the seabed, led the United Nations General Assembly to declare the mineral resources of the seabed as the common heritage of mankind, to be used “for the benefit of mankind as a whole”.



Mr. Michael W. Lodge

After the initial euphoria of the 1970s, a collapse in world metal prices, combined with relatively easy access to minerals in the developing world, dampened interest in seabed mining. Nevertheless, the United Nations forged ahead to develop the international machinery to administer the mineral resources of the deep seabed, in the form of an international organisation known as the International Seabed Authority (ISA). The ISA, established under the 1982 UN Convention on the Law of the Sea (UNCLOS), and with a membership of 166 states, is empowered to issue contracts for seabed mining, to receive royalties from mining and to distribute those royalties for the benefit of developing countries that lack the technology and capital to carry out mining for themselves.

In the area regulated by the ISA—the deep seabed beyond national jurisdictions—UNCLOS states that exploration and mining may only be carried out under a contract with the ISA and subject to its rules, regulations and procedures. Contracts may be issued to public and private mining enterprises, provided they are sponsored by a state party to UNCLOS and meet certain standards of technical and financial capacity. The last three years has seen a rapid increase in activity for the ISA, especially from the private sector. Today, 19 entities hold exploration contracts granted by the ISA, covering a total area roughly the size of Mexico, and there are a further five applications in the pipeline, including one by a Singapore-sponsored corporation.

This rapid increase in activity raises a number of environmental, legal and economic challenges for the ISA and its member states. This presentation will review some of those challenges and provide an opportunity for questions and answers.

ABOUT THE SPEAKER

Michael W. Lodge is Deputy to the Secretary-General and Legal Counsel for the International Seabed Authority (ISA). He received his LLB from the University of East Anglia, and has an MSc in marine policy from the London School of Economics and Political Science. He is a barrister of Gray's Inn, London, and has served as legal counsel to numerous agencies including the ISA, the OECD Round Table on Sustainable Development and the South Pacific Forum Fisheries Agency. Mr Lodge has played a pivotal role in the ISA from its inception in 1996, and helped to create and implement the first international regulatory regime for seabed mining that puts environmental protection in a central position. He also contributed to the future security of global fish stocks by leading the process that created the Western and Central Pacific Fisheries Commission, the world's largest regional fisheries management organisation.

Moderator of the Session

Professor Tommy Koh

Ambassador-at-Large
Ministry of Foreign Affairs, Singapore

Chairman
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