

McINNES COOPER SEABED MINING TEAM

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The exploitation phase of seabed mining activities in the Area brings exciting challenges and opportunities to the surface – along with complex legal issues. McInnes Cooper has the experience and the knowledge to help you navigate those legal issues. By retaining McInnes Cooper to guide your dealings with the International Seabed Authority (ISA), you're choosing a team of lawyers with a long-standing relationship with the ISA, experience with the ISA's people, and a deep understanding of the ISA's internal workings and the issues it's confronting.





McInnes Cooper's Experience and Knowledge

McInnes Cooper has an intimate understanding of the ISA's current functioning and its future direction.

- McInnes Cooper's Elizabeth Mclsaac worked closely with the ISA and a team of external international contributors to develop the ISA's regulations and standard contract terms in respect of mineral exploitation.
- McInnes Cooper was a member of the team the ISA commissioned to review its past operations and to make recommendations for its future operations under UNCLOS Article 154. The review involved detailed consideration of the ISA's structure and work and interviews with States Parties, contractors, ISA members and others.
- The ISA asked McInnes Cooper to author *A Study of Key Terms in Article 82 of the United Nations Convention on the Law of the Sea* (ISA Technical Study No. 15). The ISA has published this report to assist in the interpretation of Article 82, which imposes an obligation on coastal states that produce resources from the continental shelf beyond 200 nautical miles to make payments or contributions in kind through the ISA to UNCLOS states parties.
- McInnes Cooper is regularly asked to speak at international seabed mining conferences on topics including the role of the Common Heritage of Mankind in the ISA's work, the proposed Mining Code and the role of developing countries and questions of monopolization in the Area.

What McInnes Cooper Can Do For You

The ISA will be dealing with significant issues in the coming months. Here are some of the ways in which McInnes Cooper can work for you.

- **Project Viability.** Our extensive experience with onshore and offshore resource exploitation projects and the ISA's workings makes McInnes Cooper best positioned to provide you with comprehensive advice to ensure investments in this emerging industry have the best prospects for success.
- **Financial Benefits Sharing Regime.** The ISA will be formulating the financial benefits sharing regime and other financial mechanisms, including performance guarantee guidelines and fees payable to the ISA, required for the exploitation phase.
- **Environmental Regulations & Compliance.** The ISA will be finalizing the Exploitation Regulations and developing separate Environmental Regulations and Seabed Mining Directorate Regulations. Roles and responsibilities of the ISA, sponsoring States and other stakeholders in the environmental decision-making process, including any recourse for appeal, will be considered during this important phase.
- **Confidentiality & Transparency.** The anticipated focus on confidentiality and transparency will be important in ensuring stakeholders with competing interests continue to have confidence in the ISA as the regulator of what's expected to become a hugely important industry in the coming years.
- **Monopolization & Common Heritage of Mankind.** The ISA's need to ensure it governs activities in the Area in all the issues it deals with in accordance with these paramount UNCLOS principles could impact some stakeholders.

For counsel on legal requirements related to seabed mining contact:



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