

## **Comments to the Regulatory Framework for Mineral Exploitation in the Area**

### **I. Introduction**

These comments are submitted by Dr. Suzette V. Suarez, an associate at Lebuhn & Puchta. Lebuhn & Puchta is a law firm in Hamburg, Germany, which consists of German Attorneys and Solicitors (England and Wales). Lebuhn & Puchta specializes in maritime law, international trade and law of the sea and has practice groups in Deep Sea Mining and Offshore Renewables. Dr. Suarez is also Founding Director of the Center for International Ocean Law, a legal and research consultancy providing legal advice and research services on ocean matters. The contact details of the submitting individual and the organizations are available in the final section of this submission.

### **2. Comments and Suggestions**

#### **Flag States**

a. Consideration should be given in developing the specific and/ or supplementary obligations of flag States. These obligations should be included in the Regulations for Mineral Exploitation, though not in the individual contracts. Article 94 of the United Nations Convention on the Law of the Sea (UNCLOS) enumerates the duties of a Flag State in general. With respect to the prevention, reduction, and control of pollution of the marine environment arising from activities in the Area, article 209 of UNCLOS further places the duty to enact rules, regulations and procedures not only on the ISA but on the Flag States as well.

The role and obligations of the Flag State could be included in the following items:

Vessels Operating in the Area

Emergency Procedures

Protection and preservation of the marine environment

Training

Duty to cooperate – this is part of the duty to protect the marine environment as confirmed by ITLOS in several decisions

Inspection

#### **Direct obligations of Sponsoring States and States**

There is a recommendation to clarify the obligations of the Authority and include them in the contracts. Consideration should be given in including an item enumerating and clarifying the contents of the direct obligations of Sponsoring States. The ITLOS Advisory Opinion provided examples of these direct obligations.

#### **Implementation of art. 147 of UNCLOS**

Consideration should be given on whether the Mining Exploitation Regulations should include a provision implementing article 147 of UNCLOS, particularly with respect to installations in the Area which are subject to the rules, regulations and procedures of the Authority.

Should applications demonstrate how their planned activities shall be carried out with reasonable regard for the other lawful activities in the Area? This will then involve a determination on the part of the applicant of the other existing and future activities in the area of application.

### **Health, safety and labour provisions**

The health and safety and labour standards provisions should specify that they apply to the Master and crew of the vessel and deep sea mining workers/employees. Labour standards should include habitability standards such as suitable accommodation and workspaces. The health, safety and labour standards should not only aim for safety, and productivity but should also establish a working environment which can sustain the morale and overall well-being of crews and workers in harsh and remote working environments.

### **3. Consent**

I hereby give my consent for the International Seabed Authority to make my contact details and submission publicly available.

### **4. Contact details:**

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