

29 April 2024

Mr. Michael Lodge  
Secretary General  
International Seabed Authority  
14 – 20 Port Royal Street  
Kingston, Jamaica

Dear Secretary-General,


In accordance with:

1. Article 169 of the United Nations Convention on the Law of the Sea;
2. Rule 82, paragraph 1(e) of the Rules of Procedure of the Assembly of the International Seabed Authority; and
3. the *Guidelines for observer status of non-governmental organizations with the International Seabed Authority* (ISBA/25/A/16);

The Seafloor Mineral Developers Association hereby requests observer status with the International Seabed Authority as a non-governmental organization.

Enclosed, is our formal request, in the prescribed format.

Sincerely,



Corey McLachlan

Director



## **A. Information about the Organisation**

### **1. Name of organization**

Seafloor Mineral Developers Association

### **2. Address of headquarters**

Seafloor Mineral Developers Association

in care of: Watson Farley & Williams LLP (Registration No. OC312252).

15 Appold Street

London

EC2A 2HB

United Kingdom

### **3. Addresses of all branches and/or regional headquarters**

None.

### **4. Telephone number**

+44 20 7814 8000

### **5. Fax number**

+44 20 7814 8141/2

### **6. Email address**

Legal@metals.co

### **7. Name, title and contact details of focal point**

Mr. Corey McLachlan

corey@metals.co

+1.604.815.7196

### **8. Background information on the organization**

The Seafloor Mineral Developers Association is a non-profit international non-governmental organization established to:

1. Represent the interests of polymetallic nodule contractors in the deep seabed mining industry;
2. Participate as an observer at the International Seabed Authority; and
3. Deploy its members' scientific, technical and legal expertise to support the work of the Authority and contribute to the establishment of an environmentally sound and commercially viable regulatory regime in the Area supported by a robust regulatory framework that protects the marine environment from serious harm.



**9. Is the organization a member of, affiliated to or otherwise associated with another organization that has been granted observer status with the Authority?**

No.

**10. Is the organization affiliated to consultants of the Authority, contractors with the Authority, entities in connection with the law of the sea, the offshore and deep-sea mining industry, research institutes or the mineral marketing and processing industry?**

Yes. The Seafloor Mineral Developers Association is currently composed of several companies who enjoy certain rights to exploration contracts awarded by the Authority. Our current members include:

1. Nauru Ocean Resources, Inc. (NORI)
2. Tonga Offshore Mining Limited (TOML)

We believe it is likely that additional contractors may join the Seafloor Mineral Developers Association.

We wish to note that there is no existing mechanism under the rules, regulations and procedures of the Authority, including the rules of procedure of the Council and the Assembly for contractors to participate in the agenda of the meetings. The Authority deliberates and discusses rules, regulations and procedures that have a direct and material effect on the rights of contractors, and we consider that participation by the Seafloor Mineral Developers Association in the meetings as an observer will provide a perspective that is current missing and support the ongoing work of the Authority.

**11. Relationships with intergovernmental organizations**

None.

**12. List of publications and/or other relevant documentation**

The Seafloor Mineral Developers Association's members provide annual reports and five-year periodic review reports to the Secretariat and Legal and Technical Commission.

Additionally, Seafloor Mineral Developers Association members have contributed to the development of a variety of academic papers, technical reports and have participated in a variety of relevant conferences and events including but not limited to:

- Bergman, L.A., Fujiwara, Y., Assad, V.E., Perelman, J.N., Drazen, J.C., Lindsay, D.J., 2023. *Face-down, tail-up: Unusual In situ behavior of the blackchins neoscopelus macrolepidotus, neoscopelus microchir, and scopelengys tristis (Myctophiformes: Neoscopelidae)*. Diversity 15, 1–7. <https://doi.org/10.3390/d15070837>
- Daina Paulikas, Steven Katona, Erika Ilves, Saleem H. Ali, *Life cycle climate change impacts of producing battery metals from land ores versus deep-sea polymetallic nodules*, Journal of Cleaner Production, Volume 275, 2020, 123822, ISSN 0959-6526, available at: <https://doi.org/10.1016/j.jclepro.2020.123822>.
- Daina Paulikas, Steven Katona, Erika Ilves, Saleem H. Ali, *Deep-sea nodules versus land ores: A comparative systems analysis of mining and processing wastes for battery-metal supply chains*, Journal of Industrial Ecology, 2022, 26:2154-2177, available at: <https://doi.org/10.1111/jiec.13225>.
- Daina Paulikas, Steven Katona, Erika Ilves, Greg Stone, Anthony O'Sullivan, *Where should metals for green transition come from? Comparing Environmental, Social and Economic Impacts of Supplying Base Metals from Land Ores and Seafloor Polymetallic Nodules*, April 2020, available at: <https://metals.co/download/237815/?tmstv=1711587867>



- Eichsteller, A., Martynov, A., O'Hara, T.D., Christodoulou, M., Korshunova, T., Bribiesca-Contreras, G., Martinez Arbizu, P., 2023. *Ophiotholia (Echinodermata: Ophiuroidea): A little-known deep-sea genus present in polymetallic nodule fields with the description of a new species*. *Frontiers in Marine Science* 10, 1–18. <https://doi.org/10.3389/fmars.2023.1056282>
- Hoving, H.J.T., Amon, D., Bodur, Y., Haeckel, M., Jones, D.O.B., Neitzel, P., Simon-Lledó, E., Smith, C.R., Stauffer, J.B., Sweetman, A.K., Purser, A., 2022. *The abyssal voyage of the argonauts: Deep-sea in situ observations reveal the contribution of cephalopod egg cases to the carbon pump*. *Deep Sea Research Part I: Oceanographic Research Papers* 183, 1–6. <https://doi.org/10.1016/j.dsr.2022.103719>
- Katona, S., Paulikas, D., Ali, S. *et al.* Land and deep-sea mining: the challenges of comparing biodiversity impacts. *Biodivers Conserv* 32, 1125–1164 (2023). <https://doi.org/10.1007/s10531-023-02558-2>
- Montenegro, J., Collins, A.G., Hopcroft, R.R., Questel, J.M., Thuesen, E.V., Bachtel, T.S., Bergman, L.A., Sangekar, M.N., Drazen, J.C., Lindsay, D.J., 2023. *Heterogeneity in diagnostic characters across ecoregions: A case study with Botrynema (Hydrozoa: Trachylina: Halicreatidae)*. *Frontiers in Marine Science* 9, 1–17. <https://doi.org/10.3389/fmars.2022.1101699>
- Neal, L., Abrahams, E., Wiklund, H., Rabone, M., Bribiesca-Contreras, G., Stewart, E.C.D., Dahlgren, T.G., Glover, A.G., 2023. *Taxonomy, phylogeny, and biodiversity of Lumbrineridae (Annelida, Polychaeta) from the Central Pacific Clarion-Clipperton Zone*. *ZooKeys* 1172, 61–100. <https://doi.org/10.3897/zookeys.1172.100483>
- Neal, L., Wiklund, H., Gunton, L.M., Rabone, M., Bribiesca-Contreras, G., Dahlgren, T.G., Glover, A.G., 2022. *Abyssal fauna of polymetallic nodule exploration areas, eastern Clarion-Clipperton Zone, central Pacific Ocean: Amphinomidae and Euphrosinidae (Annelida, Amphinomida)*. *ZooKeys* 1137, 33–74. <https://doi.org/10.3897/zookeys.1137.86150>
- Perelman, J.N., Ladroit, Y., Escobar-Flores, P., Firing, E., Drazen, J.C., 2023. *Eddies and fronts influence pelagic communities across the eastern Pacific ocean*. *Progress in Oceanography* 211, 1–15. <https://doi.org/10.1016/j.pocean.2023.102967>
- Simon-Lledó, E., Amon, D.J., Bribiesca-Contreras, G., Cuvelier, D., Durden, J.M., Ramalho, S.P., Uhlenkott, K., Arbizu, P.M., Benoist, N., Copley, J., Dahlgren, T.G., Glover, A.G., Fleming, B., Horton, T., Ju, S.-J., Mejía-Saenz, A., McQuaid, K., Pape, E., Park, C., Smith, C.R., Jones, D.O.B., 2023. *Carbonate compensation depth drives abyssal biogeography in the northeast Pacific*. *Nature Ecology & Evolution* 7, 1388–1397. <https://doi.org/10.1038/s41559-023-02122-9>

Seafloor Mineral Developers Association members are also actively contributing to additional publications and expect there to be significantly more produced over the coming years based just on existing data that has been collected.

## **B. Interest in matters under consideration by the Assembly**

### **13. Briefly outline how your organization intends to demonstrate its interest in matters under consideration by the Assembly, including by answering questions 14 to 17 and by providing any other relevant information related to the application for observer status.**

The Seafloor Mineral Developers Association is an association of polymetallic nodule contractors holding exploration rights granted by the Authority. Our members are heavily invested in the work of the Authority and the matters under consideration by the Council and the Assembly, including the ongoing development of the Mining Code by the Council and its informal working groups. Our proposed engagement with the Authority is detailed below.



**14. Briefly outline whether and how the purposes or activities of the organization relate to the work of the Authority.**

Our members hold exploration contracts, are planning to apply for and hold exploitation contracts and are currently contributing to the negotiations of the Mining Code. Our members support the establishment of an industry that is regulated by international law for the benefit of all humankind. We are strong proponents of the renewable energy transition and believe mining activities on the deep-seafloor could provide the metals required for this transition with a lower social and environmental impact. We intend to support the work of the Authority and other stakeholders to advocate for the adoption of the Mining Code with robust scientific, technical and environmental standards so that polymetallic nodules can be considered as part of the solution in our transition to a renewable energy future.

**15. Briefly outline whether and how your organization intends to contribute to the work of the Authority, for example by providing specialized information, advice or expertise, or by identifying or helping to procure the services of experts or consultants.**

Members of the Seafloor Mineral Developers Association are currently actively supporting the work of the Authority through their exploration activities in the Area. These activities include the collection resource and geological data, the collection of environmental baseline data and the conduct of marine scientific research, the development of nodule collection technology, development of mineral processing technology and our members also develop and implement training programmes for developing States.

As a result of these activities, the Seafloor Mineral Developers Association can provide expertise in the above areas and has access to experts and consultants in all these areas. The Seafloor Mineral Developers Association possesses technical expertise and experience in all aspects of the Authority's work and looks forward to sharing its experiences and expertise during the negotiation of the Mining Code and the ongoing activities of the Authority.

**16. Briefly outline whether and how your organization has the expertise and the capacity to contribute, within its field of competence, to the work of the Authority, in particular in connection with the law of the sea, the protection of the marine environment, the offshore and deep-sea mining industry, technology, minerals processing and marketing, activities in the Area and marine scientific research in the Area.**

Our members have been working in the Area since 2011. Our activities include conducting marine scientific research in the Area, developing mineral processing technology, designing, building and testing nodule collection technology, defining geological resources, and developing and implementing training and capacity building initiatives.

Our members are industry leading contractors whose achievements include:

- the only contractor that has conducted test mining under the current exploration regime; and
- having developed a metallurgical flowsheet for processing nodules and that has produced the first nickel sulfate from polymetallic nodules.

Our members have a long history of engagement with the Authority's work, supporting States parties and providing vital assistance in developing the Authority's rules, regulations, procedures and related guidance. Our members also have legal expertise in UNCLOS, the Part XI Implementation Agreement, the Authority's rules, regulations and procedures and its internal procedures, and relevant



principles of international law. We are perfectly positioned to provide technological, scientific, industry and legal input to assist the Authority in its work.

**17. Briefly outline whether and how your organization intends to contribute to the capacity-building programmes and initiatives of the Authority (e.g., Secretary General’s award, voluntary commitments of the Authority).**

The Seafloor Mineral Developers Association already contributes to capacity building through its members’ training programmes for developing States, members of the Secretariat and their Sponsoring States.

Our members also contribute to a variety of the voluntary trust funds established by the Authority.

The Seafloor Mineral Developers Association is ready and willing to assist the ISA’s capacity-building initiatives.

