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International environmental obligations and liabilities in deep seabed mining

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Propositions relating to the dissertation

International Environmental Obligations and Liabilities in Deep Seabed Mining

By Linlin Sun

1. The principle of the common heritage of mankind does not and will not become outdated not only because of Article 311(6) UNCLOS, but more importantly because of the discernible trend of increased attention for community interest in international law.
2. Environmental protection as an example par excellence of community interest is receiving increasing recognition.
3. The international deep seabed mining (DSM) legal regime overseen by the International Seabed Authority (ISA) can be regarded as a kind of international administration, as the ISA exercises its regulatory powers not through its member states but vis-à-vis the contractor directly.
4. The ISA is both a strong and weak international organization: on the one hand, it is conferred with broad regulatory powers, on the other, the ISA has limited resources at its disposal in terms of personnel, finance, technology and facilities.
5. The DSM legal regime embodies a two-track regulatory system which gives rise to such problem as the duplicate regulatory burden on the contractor. This necessitates the coordination and division of labour between the ISA and the sponsoring State.
6. The vast scientific unknowns about the marine environment and the impact of mining activities on the marine environment constitute the fundamental challenge to the development of a DSM legal regime.
7. Implementation of the liability of the contractor for damage to the marine environment per se caused by DSM activities in the Area should operate at the international level only; a parallel existence of international and national avenues of implementation is not desirable.
8. The Enterprise as an organ of the ISA has a separate legal personality and can incur international environmental liability independent from the ISA.
9. Although playing different roles and of different natures, generally, the contractor, the ISA, and the sponsoring State must comply with essentially the same international environmental obligations.
10. There are formidable practical difficulties in satisfying each of the constituent elements for the establishment of international environmental liabilities in DSM. Nonetheless, liability regimes are still needed. At the same time, alternative regimes should also be explored.