

Legal & regulatory framework for REMPs

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Legal & regulatory framework for REMPs

- I. Role of the Authority
- II. Role of the States parties
- III. Role of the Sponsoring States
- IV. Role of the Contractors
- V. Guiding principles for REMPs

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I. **Role of the Authority**

- ❖ General
- ❖ Legal and Technical Commission
- ❖ Council

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I. Role of the Authority

❖ General

- Taking measures necessary to ensure effective protection of the marine environment from the harmful effects that may arise from prospecting, exploration and exploitation activities
- “Adoption of rules, regulations and procedures incorporating applicable standards for the protection and preservation of the marine environment”

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Rules, regulations and procedures must be drawn up by the Authority to secure effective protection of the marine environment, from both harmful effects directly resulting from activities in the Area and from shipboard processing of minerals immediately above a mine site.

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I. Role of the Authority

❖ Legal and Technical Commission

- Formulate and submit to the Council rules, regulations and procedures and keep them under review
- Make recommendations to the Council regarding the establishment of a monitoring programme
- Coordinate the implementation of the monitoring programme
- Make recommendations to the Council for
Issue of emergency order
 - Disapproval of areas for exploitation
 - Direction and supervision of a staff of inspectors

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I. Role of the Authority

❖ Council

- Establish specific policies on any question or matter within the competences of the Authority
- Adopt and apply provisionally the rules, regulations and procedures of the Authority, taking into account the recommendations of the Legal and Technical Commission
- Issue emergency orders to prevent serious harm to the marine environment arising out of activities in the Area
- Disapprove areas for exploitation by contractors or the Enterprise in cases where substantial evidence indicates the risk of serious harm to the marine environment

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II. Role of the States parties

❖ General obligation

- Prevent, reduce and control pollution from any source
 - Monitor risks or effects of pollution
 - Assess potential effects of activities under national jurisdiction to the marine environment
 - Protect and preserve rare or fragile ecosystem, as well as habitats of depleted, threatened or endangered species and other forms of marine life
 - Prevent, reduce and control pollution resulting from use of technologies under their jurisdiction or control and intentional or accidental introduction of alien or new species to a particular part of the marine environment
- ❑ Shared responsibilities between all States parties in the Area

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II. Role of the States parties

- ❖ Adopt complementary laws and regulations to prevent, reduce and control pollution of the marine environment from activities in the Area undertaken by vessels, installations, structures and other devices flying their flag or of their registry or operating under their authority
- Those laws and regulations must be no less effective than the rules, regulations and procedures of the Authority

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III. Role of the Sponsoring States

The most important direct obligations of the sponsoring State are:

- (a) the obligation to assist the Authority set out in article 153, paragraph 4, of the Convention;
- (b) the obligation to apply a precautionary approach as reflected in Principle 15 of the Rio Declaration and set out in the Exploration Regulations; this obligation is also to be considered an integral part of the “due diligence” obligation of the sponsoring State and applicable beyond the scope of the Regulations;
- (c) the obligation to apply the “best environmental practices” set out in the Regulations;
- (d) the obligation to adopt measures to ensure the provision of guarantees in the event of an emergency order by the Authority for protection of the marine environment; and
- (e) the obligation to provide recourse for compensation.

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III. Role of the Sponsoring States

- ❖ The sponsoring State is under a due diligence obligation to ensure compliance by the sponsored contractor with its obligation to conduct an environmental impact assessment set out in section 1, paragraph 7, of the Annex to the 1994 Agreement.
- ❖ The obligation to conduct an environmental impact assessment is also a general obligation under customary law and is set out as a direct obligation for all States in article 206 of the Convention and as an aspect of the sponsoring State's obligation to assist the Authority under article 153, paragraph 4, of the Convention.

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IV. Role of the Contractors

- ❖ Substantial responsibilities to assess and monitor the effects of the activities on the marine environment of the Area
 - A description of proposed programme for oceanographic and environmental baseline studies, and a description of proposed measures for the prevention, reduction and control of pollution and other hazards, as well as possible impacts on the marine environment included in the plans of work
 - Gather environmental baseline data against which to assess the likely effects of their activities on the marine environment;
 - Devise programme to monitor and report on such effects;
 - Submit environmental data and annual report to the Authority

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IV. Role of the Contractors

- Prior environmental impact assessment for specified activities that may have significant adverse impacts on the environment
- An environmental monitoring programme to be carried out before, during and after the specific activity
- Cooperative research may provide additional data for the protection of the marine environment and may be cost-effective for contractors
- Contractors may make best use of large-scale research facilities such as vessels, autonomous underwater vehicles and remotely operated vehicles and expertise in geology, ecology, chemistry and physical oceanography of academic institutions
- Contractors are encouraged to explore opportunities to unite their efforts in international cooperative oceanographic studies

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V. Guiding Principles

- Common heritage of mankind
- Precautionary approach
- Protection and preservation of the marine environment
- Prior environmental impact assessment
- Conservation and sustainable use of biodiversity
- Transparency
- Use of best available scientific information
- Application of best available techniques and best environmental practice

