

LEGAL FRAMEWORK FOR THE ENVIRONMENTAL PROTECTION ON PROSPECTING AND EXPLORATION FOR COBALT-RICH CRUSTS

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International Seabed Authority



International Seabed Authority (ISA)

- * Intergovernmental organization**
- * Ruled by UNCLOS and 1994 Agreement**
- * Common heritage of mankind**
- * All rights over the resources of the Area are vested in mankind as a whole, on whose behalf the Authority shall act**

Functions of the Authority


- ✦ Powers and functions expressly conferred by the Convention
- ✦ Not limited to Part XI and its Annexes but in other parts of UNCLOS
- ✦ Incidental powers: those implicit in and necessary for the exercise of its powers and functions with respect to activities in the Area

Instruments adopted

- * Mandate: elaborate and adopt rules, regulations and procedures for exploration and exploitation**
- * Protection and preservation marine environment**
- * 2000 – Regulations on nodules**
- * 2001 – LTC – Guidelines**
- * 2004 – Draft regulations sulphides and crusts**

Environmental Protection in the Area

Article 145

- * Measures to ensure an effective protection of the marine environment from harmful effects from Activities**
 - * Protection and conservation of natural resources of the Area**
 - * Prevention of damage to the flora and fauna**
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Protection of marine environment in the Draft Regulations

1 - DEFINITIONS

- * Marine environment
- * Serious harm to the marine environment
- * Further rules, regulations and procedures


Prospecting

- ✦ **No when substantial evidence of risk to serious harm to marine environment**
- ✦ **Undertaking**
- ✦ **Make available data relevant to environmental protection**
- ✦ **Monitoring**
- ✦ **Incident**

Plans of Work for Exploration and information to be submitted

- * Applicant's financial and technical capability**
- * Part III of the Regulations**
- * Proposed exploration programme**
- * Programme for oceanographic and environmental baseline studies**
- * Preliminary assessment**
- * Proposed measures for prevention, reduction and control of pollution**
- * Responsibility after exploration phase**

Regulations - Part V - Protection and preservation of the marine environment

- ✦ **Periodic review of environmental rules**
 - ✦ **Precautionary approach - Principle 15 of the Rio Declaration**
 - ✦ **Role of LTC**
 - ✦ **Best practicable means**
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MONITORING

Establishment and implementation of programmes for monitoring and evaluating the potential impacts on the marine environment

- * **Prospectors obligation to cooperate**
- * **Contractors, sponsoring States and other interested States or entities shall cooperate**
- * **Programmes may include**
 - Impact reference zones**
 - Preservation reference zones**
 - Environmental baselines**

- ✦ **“Impact reference zones”**: Areas to be used for assessing effect of activities in the Area on the marine environment and which are representative of the environmental characteristics of the Area.
- ✦ **“Preservation reference zones”**: Areas in which no mining shall occur to ensure representative and stable biota of the seabed in order to assess any changes in the flora and fauna of the marine environment

Emergency Orders

Incident resulting from or caused by contractor's activities which poses a threat of serious or irreversible damage to the

marine environment

SG notify

SG immediate and temporary measures

Council emergency measures



Rights of Coastal States

* Coastal State → SG → Contractor

* Emergency orders

* Measures to avoid transboundary pollution

CONCLUSIONS