



Council

Distr.: General
13 July 2011

Original: English

Seventeenth session

Kingston, Jamaica

11-22 July 2011

Summary report of the Chair of the Legal and Technical Commission on the work of the Commission at its seventeenth session

I. Introduction

1. The Legal and Technical Commission commenced its work on 4 July 2011, one week in advance of the meetings of the Council and Assembly, and met until 13 July 2011. The Commission held 15 meetings.
2. The following members of the Commission participated in the meetings during the seventeenth session: Frida Armas-Pfirter, David Billett, Eusebio Lopera Caballero, Miguel dos Santos Alberto Chissano, Laleta Davis-Mattis, Elva Escobar, Sandor Mulsow Flores, Denis Khramov, Woong-Seo Kim, Walter de Sá Leitão, Sudhakar Maruthadu, Nobuyuki Okamoto, Andrzej Przybycin, Christian Reichert and Mahmoud Samy. Following past practice, Russell Howorth also participated in the meetings of the Commission prior to his formal election by the Council on 12 July 2011 for the remainder of the term of office of Isikeli Maitoga, who had resigned from the Commission. The following members informed the Secretary-General that they would be unable to attend the session: Jean-Marie Auzende, Baidy Diène, Kennedy Hamutenya, Said Hussein, Asif Inam, Emmanuel Kalngui, Elena Sciso, Adam Tugio and Haiqi Zhang.
3. The Commission elected David Billett as Chair and Frida Armas-Pfirter as Vice-Chair.
4. The Commission adopted its agenda (ISBA/17/LTC/1) on 4 July 2011 and considered the following matters during the seventeenth session:
 - (a) Evaluation of the annual reports of contractors submitted pursuant to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area;
 - (b) Information on the periodic review of implementation of plans of work for exploration for polymetallic nodules;
 - (c) Review of two applications for approval of a plan of work for exploration for polymetallic nodules in the Area;



(d) Review of two applications for approval of a plan of work for exploration for polymetallic sulphides in the Area;

(e) A draft environmental management plan for the Clarion-Clipperton Fracture Zone;

(f) Recommendations from the workshop on “Environmental management of deep-sea chemosynthetic ecosystems: justification of and considerations for a spatially based approach”;

(g) Other matters.

II. Activities of contractors

A. Evaluation of the annual reports of contractors submitted pursuant to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area

5. On 7, 8 and 12 July 2011, the Commission reviewed and evaluated, in closed meetings, the annual reports submitted by contractors pursuant to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. To facilitate its work, the Commission was provided with a preliminary analysis of the annual reports prepared by the secretariat (ISBA/17/LTC/CRP.2). For this purpose and following its common practice, the Commission divided itself into three working groups on (a) legal and financial aspects, (b) environmental aspects and (c) technological aspects. The working groups carried out a preliminary review of the annual reports and prepared a draft evaluation for further consideration by the Commission. The report and recommendations of the Commission concerning the annual reports of the contractors are contained in document ISBA/17/LTC/8.

6. The Commission also made the following comments of a general nature:

(a) The majority of the annual reports largely followed the general format prescribed by the Commission and generally confined themselves to work carried out during the reporting year under consideration, in accordance with the suggestions made by the Commission after previous evaluations. A few reports were limited to reviewing work that had been carried out in earlier years;

Geological work

(b) Exploration work proceeded slowly during the reporting period. Some reports did not contain any details of geology, mining or metallurgy related activity;

(c) As pointed out in earlier Commission evaluations, no uniformity exists in the classification of nodules based on morphology, shape or size. A standard needs to be evolved at the earliest opportunity;

Mining tests and proposed mining technology

(d) Progress still remains to be made on technology-related issues, particularly with respect to the mining and metallurgical processing of nodules. A few contractors have yet to begin to develop their technological capacity and it may therefore be beneficial if such contractors made a concerted effort by pooling their resources;

Environmental monitoring and assessment

(e) The environmental work reported by contractors in 2010 is generally of better quality than that reported in previous years. However, there is still a lack of raw data being provided by contractors. Contractors are strongly requested to provide raw data in digital format for inclusion in the database of the International Seabed Authority;

Financial

(f) Not all contractors provided a breakdown of expenditure, as recommended by the Commission (see ISBA/15/LTC/7). Such a breakdown is requested so that the Authority can conduct an evaluation of the reported expenditure and facilitate comparisons between the different contractors;

(g) The Commission recommends that the Secretary-General of the Authority request sponsoring States to indicate who is the correct authority for certification of financial statements;

Other matters

(h) A positive trend observed during the reporting period is that some of the contractors have started analysing data on the economic feasibility of nodule mining, thereby generating analysis on market trends, metal values, investments required and expected returns.

B. Information on the periodic review of implementation of plans of work for exploration for polymetallic nodules

7. The Commission was provided with a note on the procedure for the periodic review of the implementation of the plan of work by each contractor and noted that this review would be undertaken jointly by the Secretary-General and each contractor in the coming months. To facilitate its work, the Commission was also provided with an analysis of reported expenditure by the contractors and a summary of environmental work carried out by contractors during the past 10 years. The Commission provided comments and technical advice to assist the Secretary-General in his discussions with contractors.

8. With respect to the implementation by the contractors of their plans of work, the Commission expressed its concern over the lack of raw data associated with resource assessment and environmental baseline studies. It noted that the lack of such data was an impediment to the assessment of activities in the Area by the Authority, such as the creation of a regional environmental management plan. The recommendations of the Commission in this respect are contained in annex I to the present report.

9. With respect to financial expenditure, the Commission noted significant variations in reported financial expenditure between the contractors. It also reiterated the difficulty in making any evaluation of actual and direct exploration expenditure when the contractors had not followed the recommendations for guidance on financial reporting issued by the Commission in 2009. For six contractors, the periodic review carried out in the current year was the last opportunity to adjust the programme of activities before the end of the exploration

phase. Therefore, the Commission recommended that the programme of activities for the next five years for those six contractors should include an economic pre-feasibility study providing an indication of the level of returns that could be generated for any investment in the exploitation of nodules, which was the next phase of activities. The Commission also suggested that the secretariat organize a meeting with contractors in which a specific provision would be included in the agenda to include financial appraisal as a component of future reporting.

III. Applications for approval of plans of work for exploration

A. Review of two applications for approval of plans of work for exploration for polymetallic nodules in reserved areas and recommendations to the Council

10. The Commission convened in closed meetings to resume its consideration of two applications for approval of plans of work for exploration for polymetallic nodules in reserved areas in the Clarion-Clipperton Zone that it had received in 2008 from Nauru Ocean Resources Incorporated (NORI), sponsored by Nauru, and Tonga Offshore Mining Limited (TOML), sponsored by Tonga.

1. Nauru Ocean Resources Incorporated

11. The Commission recalled that it first met to consider the application on 21, 22, 26 and 27 May 2008. As the Commission had not reached consensus with respect to a recommendation to the Council in relation to the application, it had decided to continue its consideration of the application at the next possible opportunity. The matter was placed on the agenda of the Commission for the fifteenth session. At that session, the Commission was informed that, by a letter dated 5 May 2009 addressed to the Legal Counsel of the Authority, the applicant had requested that consideration of its application be postponed in light of global economic circumstances and other concerns. At that time, the Commission took due note of the request and decided to defer further consideration of the item until further notice.

12. In a letter dated 4 May 2010 addressed to the Secretary-General of the Authority, the applicant requested that its application be reconsidered by the Commission at the earliest opportunity. On 29 April 2011, NORI submitted to the Secretary-General updated information relating to the pending application before the Commission that reflected changes relating to ownership, corporate governance and raised capital. The applicant indicated that this updated information superseded the material contained in the application submitted in 2008.

13. The Commission convened to consider the application on 4, 5 and 6 July 2011. Prior to commencing a detailed examination of the application, the Commission invited the designated representative of the applicant, Peter Jacob, accompanied by Charles Morgan and David Heydon, to present the application. Members of the Commission then asked questions to clarify certain aspects of the application before convening in closed session to review the application in detail.

14. On 6 July 2011, the Commission decided to recommend to the Council approval of the plan of work for exploration for polymetallic nodules by NORI. The

report and recommendations of the Commission to the Council are contained in document ISBA/17/C/9.

2. Tonga Offshore Mining Limited

15. The Commission recalled that it first met to consider the application by TOML on 21, 22, 26 and 27 May 2008. As the Commission had not reached consensus with respect to a recommendation to the Council in relation to the application, it had decided to continue its consideration of the application at the next possible opportunity. The matter was placed on the agenda of the Commission for the fifteenth session. At that session, the Commission was informed that, by a letter dated 5 May 2009 addressed to the Legal Counsel of the Authority, the applicant had requested that consideration of its application be postponed in light of global economic circumstances and other concerns. At that time, the Commission took due note of the request and decided to defer further consideration of the item until further notice.

16. On 28 April 2011, TOML submitted to the Secretary-General updated information relating to the pending application before the Commission. The matter was then placed on the agenda of the Commission for the seventeenth session.

17. The Commission considered the application in closed meetings on 5, 6 and 7 July 2011. The Commission took note of the updated information submitted by the applicant, as well as the written answers to questions transmitted on 23 May 2008 by the Chair of the Commission through the Secretary-General.

18. Prior to commencing a detailed examination of the application, the Commission invited the representatives of the applicant, Paul Taumoepeau, TOML Country Manager, accompanied by Aminiasi Kefu, Solicitor-General of Tonga, Rennie Vaiomounga, Ministry of Lands, Survey and Natural Resources, Michael Johnston, Vice-President of Strategic Development, Nautilus Minerals Incorporated, and Samantha Smith, Environment Manager, Nautilus Minerals Incorporated, to present the application. Members of the Commission then asked questions to clarify certain aspects of the application before convening in closed session to examine the application in detail. On 6 July 2011, the Commission decided to request the Chair of the Commission to transmit a list of questions to the applicant through the Secretary-General. A formal response to those questions was provided by the applicant on 7 July 2011.

19. On 7 July 2011, the Commission decided to recommend to the Council the approval of the plan of work for exploration for polymetallic nodules by TOML. The report and recommendations of the Commission to the Council are contained in document ISBA/17/C/10.

B. Review of two applications for approval of plans of work for exploration for polymetallic sulphides and recommendations to the Council

20. The Commission convened in closed meetings to consider two applications for the approval of plans of work for exploration for polymetallic sulphides. The applications were submitted on 7 May 2010 by China Ocean Mineral Resources

Research and Development Association (COMRA) and on 24 December 2010 by the Government of the Russian Federation.

1. China Ocean Mineral Resources Research and Development Association

21. The Commission considered the application by COMRA in closed meetings on 5 and 8 July 2011. Prior to commencing a detailed examination of the application, the Commission invited the representative of the applicant, Jin Jiancai, Secretary-General of COMRA, accompanied by Li Jiabiao, Deputy Director of the Second Institute of Oceanography of the State Oceanic Administration, and Tao Chunhui, Senior Researcher of the Second Institute of Oceanography of the State Oceanic Administration, to present the application. Members of the Commission then asked questions to clarify certain aspects of the application before convening in closed session to examine the application in detail. On 6 July 2011, the Commission decided to request the Chair of the Commission to transmit a list of questions to the applicant through the Secretary-General. A formal response to those questions was provided by the applicant on 8 July 2011.

22. On 8 July 2011, the Commission decided to recommend to the Council approval of the application for exploration for polymetallic sulphides submitted by COMRA. The Commission noted that it looked forward to the submission of reports, including relevant data, as required by the Regulations and any recommendations for the guidance of contractors on the possible environmental impacts of exploration for polymetallic sulphides to be issued in due course. The report and recommendations of the Commission are contained in document ISBA/17/C/11.

2. Government of the Russian Federation

23. The Commission considered the application by the Government of the Russian Federation in closed meetings on 8 July 2011. Prior to commencing a detailed examination of the application, the Commission invited the representative of the applicant, Deputy Minister Sergei Donskoi, accompanied by Mikhail Sergeev, Chief Geologist of the Polar Marine Geosurvey Expedition, Saint Petersburg, and Georgy Cherkashov, Deputy Director of the Institute of Marine Geology, Saint Petersburg, to make a presentation. Members of the Commission then asked questions to clarify certain aspects of the application before convening in closed session to examine the application in detail.

24. On 8 July 2011, the Commission decided to recommend to the Council the approval of the application for exploration for polymetallic sulphides submitted by the Government of the Russian Federation. The Commission noted that it looked forward to the submission of reports, including relevant data, as required by the Regulations and any recommendations for the guidance of contractors on the possible environmental impacts to be issued in due course. The Commission also expressed its appreciation that, in response to questions by the Commission following the presentation of the application, the representatives of the applicant had expressed their willingness to provide the Authority with access to extensive historical datasets from marine scientific research gathered over many years on the Mid-Atlantic Ridge. The report and recommendations of the Commission are contained in document ISBA/17/C/12.

IV. Environmental implications of activities in the Area

A. Recommendations for the guidance of contractors for the assessment of possible environmental impacts arising from exploration for polymetallic sulphides

25. The Commission recalled that in 2005 it had started to review draft recommendations that had been formulated based on the outcomes of the workshop held by the Authority in 2004 on “Polymetallic sulphides and cobalt-rich ferromanganese crusts deposits: establishment of environmental baselines and an associated monitoring programme during exploration”. At that time, however, the Commission had deferred consideration of the environmental recommendations for sulphides and crusts until the adoption of the regulations on prospecting and exploration for these resources.

26. The Commission requested the secretariat to prepare for the next session an updated version of the draft recommendations for consideration and adoption in 2012. The Commission noted that environmental recommendations needed to be in place before exploration activities commenced. In the case of sulphides, there was an opportunity to issue recommendations for contractors on the type and management of data prior to the beginning of the exploration. The Commission particularly noted that it was necessary to put in place without delay a protocol that contractors would be advised to follow on the collection and management of data.

B. Consideration of the draft environmental management plan for the Clarion-Clipperton Zone

27. On 11 July 2011, the Commission convened in open meetings to review the draft environmental management plan for the Clarion-Clipperton Zone (see ISBA/17/LTC/WP.1). The Commission noted that it was particularly timely to establish an environmental management plan for the Clarion-Clipperton Zone because of the increased interest in deep seabed mining in that area as shown by the applications from NORI and TOML. The Commission also noted that the draft plan had been prepared at a workshop convened by the Authority in November 2010 in which a broad range of stakeholders (representatives of contractors, several members of the Commission, representatives from international and non-governmental organizations and the scientific community) had participated. The Commission expressed the view that this was a comprehensive plan, based on the best available data, including those supplied by contractors.

28. To give effect to the precautionary approach called for by the regulations, the Commission decided to recommend a provisional environmental management plan for the Clarion-Clipperton Zone as contained in document ISBA/17/LTC/7, to be reviewed after three years. The plan includes the establishment of a network of nine areas of particular environmental interest identified by the 2010 workshop as provisional protected areas. During the three-year period, certain specific actions would be carried out by the Commission, the secretariat, contractors and their sponsoring States as identified in the environmental management plan. The Commission also decided to recommend to the Council for adoption a draft decision relating to the implementation of the environmental management plan, including a

number of relevant actions (contained in annex II to the present report). Such actions would include a five-year moratorium on the allocation of such areas for contractors engaged in exploration or exploitation. The environmental management plan will be applied in a flexible manner so that it can be improved as more scientific, technical and environmental baseline and resource assessment data are supplied by the contractors and other interested bodies. Further dialogue should continue with all stakeholders to ensure complementarity with regard to the nine areas of particular environmental interest, the precise location of which may be reviewed as described in the environmental management plan.

C. Consideration of the recommendations emanating from the workshop on “Environmental management of deep-sea chemosynthetic ecosystems: justification of and considerations for a spatially based approach”

29. The Commission considered the report of the workshop on “Environmental management of deep-sea chemosynthetic ecosystems: justification of and considerations for a spatially based approach”, held in Dinard, France, from 31 May to 4 June 2010 (International Seabed Authority, Technical Study: No. 9). The Commission took note of the guidelines proposed by the workshop as an important contribution to its work. The Commission also took note of a communication received from the secretariat of InterRidge, an international project office for research on chemosynthetic ecosystems in the oceans of the World, in which concerns were raised about the management of mineral resources and the conservation of active hydrothermal vent ecosystems.

V. Exchange of views on priority actions for the Commission

30. Observing that the session marked the last meeting of the current membership of the Commission, the Commission took the opportunity to share views on the anticipated future workload of the Commission and its effects on the organization of its work. Some members highlighted the need for the Commission to consider ways to improve its functioning and working practices, taking into account its mandate under the United Nations Convention on the Law of the Sea and the 1994 Agreement relating to the implementation of Part XI of the Convention. It was also suggested that the secretariat should be requested to prepare a report, including an indicative five-year work programme for the incoming Legal and Technical Commission in 2012, as this would provide the new Commission with a context and framework for its work. It was also noted that, in line with the evolutionary approach, the secretariat would need to review the resources available to it to support the work of the Commission.

31. In the light of the advisory opinion of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea, the Commission noted that the following issues needed to be incorporated into its future workplan:

(a) The Commission noted the need to make necessary adjustments to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area to bring them into line with the Regulations on Prospecting and Exploration for Polymetallic Sulphides in the Area with respect to best environmental practices and

the protection of biodiversity, as well as the further development of the precautionary approach. The Commission requested the secretariat to prepare for its consideration next year a list of such necessary revisions to the Nodules Regulations;

(b) The Commission noted the responsibility for sponsoring States to enact laws and regulations and to take administrative measures that are appropriate and necessary for securing compliance by persons under its jurisdiction and the guidance given by the Chamber in that respect. The Commission suggested that the Authority should be tasked, as part of its work programme and subject to resources being made available, with preparing model legislation to assist sponsoring States in fulfilling their obligations;

(c) The Commission noted that the Chamber had indicated that mechanisms should be considered to compensate for damage when neither the contractor nor the sponsoring State is responsible, and that this issue should be taken up by the Commission in due course;

(d) Implementation of monitoring programmes and provision for a staff of inspectors.

32. The Commission also recalled that the Council had requested it to consider the question of providing guidance on the implementation of Regulation 23, paragraph 7, of the Sulphides Regulations relating to monopolization of activities in the Area and that this matter should be addressed in due course.

33. In light of the substantial increase in the workload of the Commission, members of the Commission suggested that consideration should be given to holding two sessions per year in future. It was recalled that this had been the practice in the past when the Authority convened two or even three sessions per year. The Commission noted that the practice of holding a separate meeting of the Commission several months in advance of the meetings of the Council and Assembly would enable it to work more efficiently and would also mean that recommendations on key issues could be circulated to member States well in advance. The second meeting of the Commission would commence one week in advance of the session of the Authority as was currently the case. The work of the Commission was fundamental to the substantive work of the Authority and the Commission recommended that all meetings of the Commission should be fully serviced and funded as part of the regular conference servicing requirements of the Authority.

34. The Commission emphasized the importance of full participation in the work of the Commission by all members of the Commission. It urged those Governments nominating members of the Commission to ensure that their members were able to attend and participate in all meetings of the Commission. It also suggested that the Secretary-General should report back to Governments on the attendance of those members whose participation in the meetings of the Commission was supported from the voluntary trust fund.

35. It was noted that the Commission also needed to be aware of the work of the United Nations General Assembly Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. Special attention needed to be given

by the Authority to the issues related to the activities in the Area that could be involved in that regard.

VI. Conclusion

36. The Chair expressed the appreciation of the entire membership of the Commission to those members who would be ending their terms of office in 2011. The meeting was closed on 13 July 2011.

Annex I

Data management protocol

Issue

1. There is an urgent and timely need for the Authority to update its data management requirements with regard to acceptable data format(s) for submission to the secretariat of scientific and technical data collected by contractors. This applies equally to resource assessment activities as well as environmental baseline studies.

2. During the seventeenth session, the Commission was made particularly aware of the urgent and timely need for the Authority to review its data management requirements following:

(a) Its review of the annual reports submitted by the contractors on the activities carried out in 2010;

(b) A presentation on environmental work carried out by contractors as described in their annual reports (ISBA/17/LTC/L.3 and ISBA/17/LTC/CRP.1).

Background

3. Current scientific and technical data management arrangements between a contractor and the secretariat (principally data format rather than data type/parameters) function around the annual reporting requirements for contractors contained in the Nodules Regulations and in the guidelines issued some 10 years ago by the Commission in relation to polymetallic nodules.¹

4. While recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for polymetallic nodules in the Area (ISBA/16/LTC/7) were considered in 2010, they did not make reference to the format by which data is submitted.

5. The urgency to address this data management matter of acceptable data format(s) (including data handling, sharing and storage), therefore results from the considerable recent technological advances that have taken place in data gathering instrumentation and similarly in the information communications and technology area. Furthermore, modelling of data gathered either for resource or environmental assessments using electronic software accessing digital databases is now accepted as best practice by the international scientific and technical community. The secretariat cannot engage in this work unless data submitted to it is in an agreed electronic format.

6. The timeliness results from the fact that 2011 is generally the end of the second five-year period for seven contractors involved in nodule exploration in the Clarion-Clipperton Zone. Also, 2011 will likely see the awarding of the first contract to explore for seabed massive sulphides along the Indian Ocean Ridge, should the Council follow the recommendation of the Commission.

¹ ISBA/8/LTC/2; and *Standardization of Environmental Data and Information: Development of Guidelines — Proceedings of the International Seabed Authority's Workshop held in Kingston, Jamaica, 25-29 June 2001.*

Commentary

7. New scientific and technical data management procedures surrounding the submission by contractors of data and information resulting from resource assessments and environmental studies need to address both:

- (a) The capturing of all historic data; and
- (b) Future fieldwork.

8. Current annual reports include reference to work (fieldwork and cruises, follow-up work to previous cruises and/or reviews of past work) that is generally well presented although the formats vary considerably. However, it is of considerable concern to the Commission that the scientific and technical data as presented in the annual reports is not in a format that is suitable for input into a centralized metadata management system which the secretariat is tasked to hold and maintain.

9. The problem arises since the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area (annex 4, section 10) require the contractor to submit an annual report covering its activities in the exploration area and containing, as applicable, "information in sufficient detail". Moreover, as set out in Regulation 31, paragraph 5, the contractor has the obligation to report annually in writing to the Secretary-General on the implementation and results of the monitoring programme and to submit data and information for this purpose. However, this Regulation does not address the data format(s). Nor has this been addressed in recent years. For example, the 2001 workshop addressed in great detail the issues surrounding data types but not data formats. Likewise, the most recent 2010 recommendations for providing guidance on baseline data requirements for the assessment of environmental impacts focus on data types but not on data formats.

10. As a way forward, the Commission recommended two possibly cumulative courses of action for the Secretary-General. A first possibility is that contractors report verbally to the Commission, as well as through the submission of the annual report document to respond to any questions and provide further data (see ISBA/8/LTC/2, para. 99). The second manner to address this issue is for the Secretary-General to organize, as a matter of priority, a workshop on data management as an expression of a partnership of equals between the contractors and their sponsoring States, the secretariat and the Commission. These would also be a way to give effect to the obligation incumbent upon contractors, sponsoring States and other interested States or entities to cooperate with the Authority in the establishment and implementation of programmes for monitoring and evaluating the impacts of deep seabed mining on the marine environment as provided in regulation 31, paragraph 6, of the Regulations.

Annex II

Draft decision of the Council of the International Seabed Authority relating to an environmental management plan for the Clarion-Clipperton Zone

The Council of the International Seabed Authority,

Taking into account the recommendations of the Legal and Technical Commission pursuant to article 165, paragraph 2 (e), of the United Nations Convention on the Law of the Sea of 10 December 1982,¹

Recalling article 145 of the Convention, which requires that necessary measures shall be taken in accordance with the Convention with respect to activities in the Area to ensure effective protection for the marine environment from harmful effects, which may arise from such activities,

Recalling also that, pursuant to article 162 of the Convention, the Council has the power to establish the specific policies to be pursued by the Authority on any question or matter within the competence of the Authority,

Recalling further that the General Assembly of the United Nations in its resolution 63/111 called upon States and relevant international organizations at all levels to urgently consider ways to integrate and improve, on a scientific basis, including the application of precaution as set out in principle 15 of the Rio Declaration on Environment and Development,² the management of risks to vulnerable marine biodiversity within the framework of the Convention, consistent with international law and the principles of integrated ecosystem-based management,

Considering that the implementation of a comprehensive environmental management plan at the regional level is one of the measures appropriate and necessary to ensure effective protection of the marine environment of that part of the Area known as the Clarion-Clipperton Zone from harmful effects that may arise from activities in the Area and that such a plan should include provision for the establishment of a representative network of areas of particular environmental interest,

Recognizing the rights of those entities which presently hold contracts with the International Seabed Authority for exploration for polymetallic nodules in the Clarion-Clipperton Zone pursuant to the Convention, the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982³ and the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area,⁴ in particular their security of tenure over areas allocated for exploration, in accordance with their contracts,

¹ United Nations, *Treaty Series*, vol. 1833, No. 31363.

² *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.1.8 and corrigendum), resolution 1, annex 1.

³ *Ibid.*, vol. 1838, No. 31364.

⁴ ISBA/6/A/18, decision of the Assembly of the International Seabed Authority relating to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area.

Recognizing also that a range of human activities occurring, or potentially occurring, in areas beyond national jurisdiction in the Clarion-Clipperton Zone should be managed taking into account all relevant actors according to international law,

1. *Welcomes* the recommendation by the Legal and Technical Commission relating to an environmental management plan for the Clarion-Clipperton Zone as contained in document ISBA/17/LTC/7, to be implemented over an initial three-year period, which includes the designation, on a provisional basis, of a network of nine areas of particular environmental interest, and gives effect to the precautionary approach as called for by the Regulations;

2. *Notes* that the plan will be applied in a flexible manner so that it may be improved as more scientific, technical and environmental baseline and resource assessment data are supplied by contractors and other interested bodies;

3. *Requests* the Legal and Technical Commission to report to the Council on the implementation of the environmental management plan;

4. *Encourages* further dialogue with all stakeholders to ensure complementarity with regard to the nine areas of particular environmental interest, the precise location of which may be reviewed as described in the environmental management plan;

5. *Decides* that, for a period of five years from the date of this decision or until further review by the Legal and Technical Commission or the Council, no application for approval of a plan of work for exploration or exploitation should be granted in the areas of particular environmental interest referred to in paragraph 1;

6. *Also decides* to apply this decision in accordance with the Convention, the Agreement, the Regulations and the terms of the contracts on exploration for polymetallic nodules issued in respect of the Clarion-Clipperton Zone;

7. *Encourages* the conduct of marine scientific research in the areas of particular environmental interest referred to in paragraph 1 in accordance with article 143 of the Convention, and the dissemination of the results of such research through the Authority;

8. *Requests* the Secretary-General of the International Seabed Authority to take steps to encourage the development of programmes for marine scientific research in the Clarion-Clipperton Zone, including in the areas of particular environmental interest referred to in paragraph 1, for the benefit of developing States and technologically less developed States, including through the Endowment Fund for Marine Scientific Research in the Area of the Authority;

9. *Also requests* the Secretary-General to communicate this decision as widely as possible, including to members of the Authority, observers to the Authority and relevant international organizations.