

INTERNATIONAL SEABED AUTHORITY

Council



Distr.
GENERAL

ISBA/6/C/11
11 July 2000

ORIGINAL: ENGLISH

INTERNATIONAL SEABED AUTHORITY
Resumed sixth session
Kingston, Jamaica
3-14 July 2000

REPORT OF THE CHAIRMAN OF THE LEGAL AND TECHNICAL COMMISSION ON THE WORK OF THE COMMISSION DURING THE RESUMED SIXTH SESSION

1. The Legal and Technical Commission held three meetings during the resumed sixth session of the Authority. The Commission elected Ms Inge Zaamwani (Namibia) as Chairman and Dr Boris Winterhalter (Finland) as Vice-chairman. The Commission considered the following matters:

(a) The draft guidelines for the assessment of the possible environmental impacts arising from exploration for polymetallic nodules in the Area;

(b) Periodic report and completion of training programme report submitted by the Republic of Korea;

(c) Periodic report on the activities of India;

(d) Request by the Secretary-General to contemplate on future activities of the Authority.

2. At its first meeting the Commission began work on the consideration of the draft Recommendations for the Assessment of the Possible Environmental Impacts arising from Exploration for Polymetallic Nodules in the Area contained in document ISBA/5/LTC/CRP.1. Three unofficial documents containing comments from some members of the Commission were considered together with the draft.

3. After lengthy discussions, a revised document containing the appropriate changes was produced on the second day and subjected to a further reading before being given to the secretariat for re-drafting and adjustment to the requirements of the Convention. The document is divided into four parts, with the first part covering the scope, part two deals with environmental baseline settings, part three with the recommendations for compiling an environmental

impact assessment while the last part covers general recommendations for data collection, reporting and archival procedures. The Commission will continue consideration of this document at its next session.

4. The draft recommendations are based in part on the outcome of the 1998 experts workshop held in Sanya, Hainan Island, China, and contained in the proceedings published by the Authority. The Sanya workshop noted the need for clear and common methods of environmental characterization based on established scientific principles taking into account oceanographic constraints. The purpose of the recommendations will therefore be to describe the procedures to be followed in the acquisition of baseline data, including the monitoring to be performed during and after any activities in the area with a potential to cause serious harm to the environment, and to facilitate the reporting by the contractor.

5. The recommendations are being made in accordance with regulations 31 and 38 of the Draft Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area (ISBA/6/C/2* dated 5 May 1999) and to this end, it was agreed that the definition of terms should reflect very closely the definition section of the Regulations. Additional terms, either technical or scientific, requiring definition, will be added and updated from time to time as the knowledge on the marine environment improves. The Commission was mindful of the need to distinguish between the recommendations falling within regulation 31 (for approval by Council) and regulation 38 (for review by the Commission) and to provide simple and practical recommendations to assist contractors in carrying out their obligations to establish environmental baselines.

6. The Commission felt that, given the technical nature of the recommendations and the limited understanding of the impact of activities on the marine environment, it is vital to provide an explanatory commentary on the technical recommendations, which while not part of the main document, will be a useful tool for the contractor. In addition, the Commission will provide a glossary of technical terms contained in the recommendations.

7. The periodic report on the activities of the Republic of Korea covered the period between August 1999 and July 2000. The report contains a descriptive outline of key exploration activities carried out, including follow-up, on-shore laboratory and experimental works. However, pending approval of the Regulations, the Commission could only note the receipt of the report without consideration of the contents.

8. It was noted that once the Regulations are approved by the Council, the Authority must adopt a standard format for reporting to be used by the contractors. However, some members of the Commission are of the view that even in the absence of the Regulations, data and information submitted by the pioneer investors should be as comprehensive as possible to enable the Authority to have a good understanding of the work carried out during the period under review.

9. As noted by the Secretary-General in his report to the Assembly,¹ the Republic of Korea also submitted a comprehensive report on the completion of a nine-and-a-half month training programme which was approved by the Council at its fourth session in 1998. The Council will recall that four trainees from developing countries were selected for training in the fields of marine geology, marine geophysics and electronic engineering.² The training was carried out in four stages starting with general orientation and Korean language studies, followed by theoretical studies, practical onboard training and rounded up with a further theoretical training and field visits. At the end of the training, each trainee submitted a report to the secretariat. The Commission understands that the trainees have returned to their countries of origin and are hopefully employed in relevant fields. The training report was noted with satisfaction.

10. It was recommended that the secretariat compile a comprehensive report on the current whereabouts of all trainees who benefited from Pioneer Investors' training programmes since 1990. It is recommended that member States assist the secretariat in this endeavour. It was further suggested that the secretariat consider organizing a refresher course or a workshop for all trainees of the Pioneer Investors in the not too distant future.

11. The Government of India submitted a periodic report on the activities for the period from 1 January 1998 to 31 December 1999, which was noted by the Commission.

12. The Secretary-General reported to the Commission on a project proposal concerning the establishment of an international framework and cooperation in environmental protection of the international seabed and waters in connection with deep seabed exploration and mining. The Commission endorsed such a proposal and recommended that the Secretary-General negotiate with the Global Environmental Facility, the World Bank, as well as with pioneer and other potential investors, their participation in such a project.

13. For the benefit of those members of the Commission who were unable to attend the workshop of experts held from 26 to 30 June 2000, the secretariat presented a summary of the workshop and distributed the comprehensive proceedings. Members briefly considered the type of legal framework, which will be appropriate for minerals other than polymetallic nodules, taking into account the natural variability in the types of deposits and the sharing of the resources as the common heritage of mankind as outlined in the Convention.

14. The Commission also reflected upon the forthcoming elections for the Legal and Technical Commission. In this regard, the Commission would like to request member States to be mindful of the need to maintain a balance both in relevant expertise and geographical representation, when nominating candidates for the Commission. It is suggested, therefore, that member States nominate lawyers, engineers with practical experience in offshore operations, geologists and biologists conversant with the deep sea, as well as environmental scientists. The latter two disciplines are missing in the

¹ ISBA/6/A/9.

² ISBA/4/C/12 and Corr.1.

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current composition of the Commission. This will be of particular importance during the last phases of exploration and before commencement of actual mining operations.
