

The legal framework for activities in the Area:

Transitioning from exploration to exploitation

ADSR Workshop for the promotion of Sustainable development of Africa's Deep Seabed Resources in support of Africa's blue economy

5 October 2022

Outline

- 1 Legal framework governing activities in the Area
- 2 Exploration Regulations: Overview & Status
- 3 Draft Regulations on Exploitation and Draft Standards & Guidelines : Overview & Status
- 4 Next Steps





The Legal Framework

- **UNCLOS**, the 1982 United Nations Convention on the Law of the Sea (Part XI, Annexes III and IV)
- **1994 Agreement for the Implementation of Part XI of the 1982 Convention**, contains the procedural and administrative requirements necessary to give effect to Part XI of UNCLOS
- **Regulations, Rules and Procedures of the International Seabed Authority** (the “Mining Code”) refers to the whole of the comprehensive set of rules, regulations and procedures issued by ISA to regulate prospecting, exploration and exploitation of marine minerals in the international seabed Area (defined as the seabed and ocean floor and subsoil thereof beyond the limits of national jurisdiction).





Exploration Regulations



Exploration Regulations: Overview & Status



- Polymetallic Nodules



- Polymetallic Sulphides



- Cobalt-rich Ferromanganese Crusts

- Exploration Regulations for Polymetallic Nodules (ISBA/19/C/17)
- Exploration Regulations for Polymetallic Sulphides (ISBA/16/A/12 Rev. 1)
- Exploration Regulations for Cobalt-rich Ferromanganese Crusts (ISBA/18/A/11)
- The International Seabed Authority has entered **contracts** for **exploration** for polymetallic nodules, polymetallic sulphides and cobalt-rich ferromanganese crusts in the deep seabed
- **15-year duration** with a 5-year extension option

International Seabed Authority

**CONSOLIDATED REGULATIONS
AND RECOMMENDATIONS ON
PROSPECTING AND EXPLORATION**

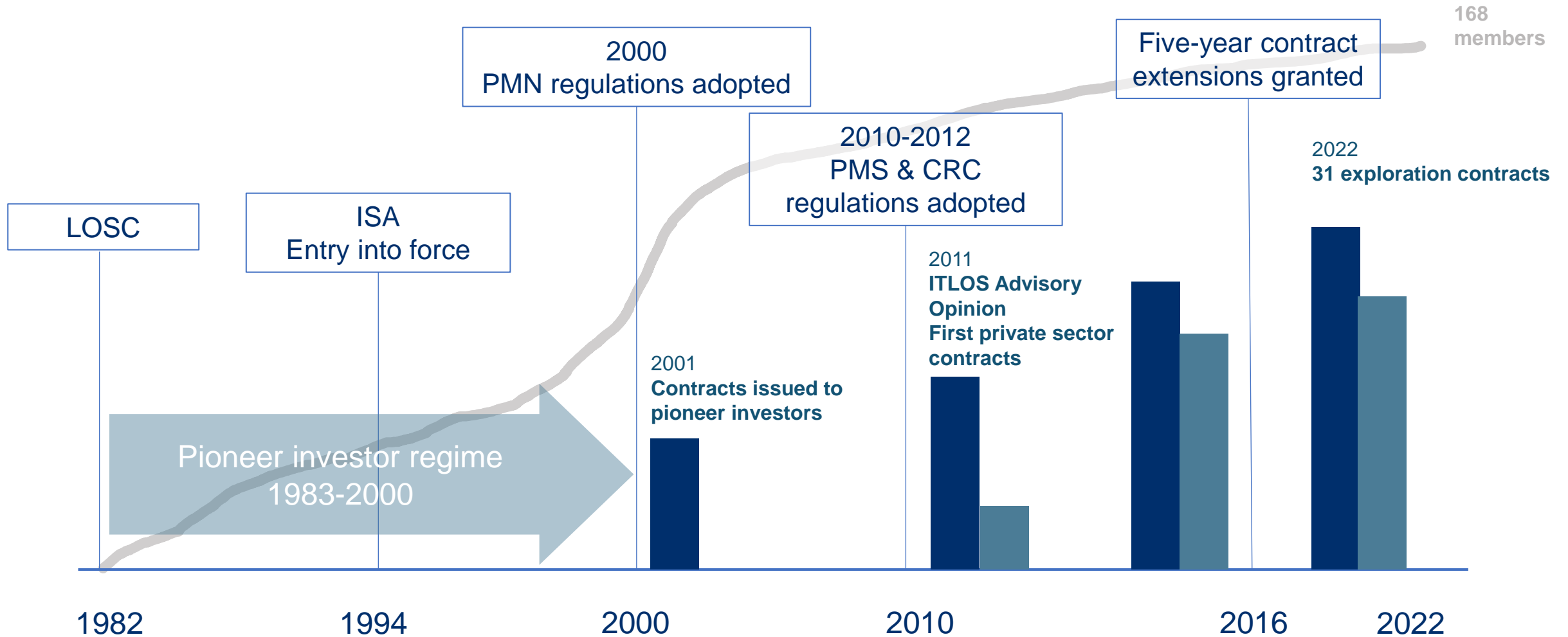
Revised Edition



The Authority has issued three exploration Regulations and six recommendations.



Animated timeline of ISA



— States parties to LOSC

■ States and state enterprises

■ Private sector



Draft Regulations on Exploitation





Twenty-fifth session
Council session, part II
Kingston, 15–19 July 2019
Agenda item 11
Draft regulations for exploitation of mineral resources in
the Area

Draft regulations on exploitation of mineral resources in the Area

Prepared by the Legal and Technical Commission

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Draft Regulations on Exploitation: Overview, Process & Status

- **Draft Exploitation Regulations** issued by the Legal and Technical Commission, (ISBA/25/C/WP.1)
- **Comments on the Draft Exploitation Regulations from Stakeholders** (ISBA/26/C/2)
- **Comprehensive regulatory regime** consisting of 13 Parts, 10 Annexes, 4 Appendices and 1 Schedule
- Exploitation Regulations to be supplemented with **Standards & Guidelines**



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Agenda item 12

**Report of the Chair of the Legal and Technical Commission on
the work of the Commission at its twenty-fifth session****Report of the Chair of the Legal and Technical Commission
on the work of the Commission at the second part of its
twenty-fifth session****Addendum****I. Introduction**

1. The second part of the 2019 session of the Legal and Technical Commission of the International Seabed Authority was held from 1 to 12 July.

2. Twenty-five members of the Commission attended the meetings. Mark Alcock, Mario Aurelio, Milind Wakdikar and Théophile Ndoaga Mbaraga were unable to attend; however, they managed to contribute to discussions by remote presentation or email. Alonso Martínez Ruiz had resigned from the Commission in April 2019. Following the previous practice, Erasmo Alonso Lara Cabrera participated in the meetings held from 8 July 2019 in his capacity as a candidate nominated by the Government of Mexico for the election to fill a vacancy on the Commission.

II. Activities of the contractors**A. Implementation of training programmes under plans of work for
exploration and allocation of training opportunities**

3. On 1 July, the Commission was briefed on the selection of candidates for training programmes since the first part of its session, in March, and was invited to select eight additional candidates for four training programmes being offered, pursuant to four contracts for exploration with the Authority. On 12 July, the Commission considered a report by the training group on the selection of candidates and endorsed recommendations made by the training group. The details are contained in document ISBA/25/LTC/7.



Standards and guidelines



An underwater scene featuring a remotely operated vehicle (ROV) on the left and a rocky seabed with a hydrothermal vent chimney on the right. The ROV has a white section with the 'SER' logo. The text 'Next Steps' is centered in white. The entire scene is framed by a large, semi-transparent circular border.

Next Steps





Council

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Council session, part I

Kingston, 17–21 February 2020

Agenda item 12

Decision of the Council concerning working methods to advance discussions on the draft regulations for exploitation of mineral resources in the Area

The Council of the International Seabed Authority,

Recognizing the need to advance discussions on the draft regulations for exploitation of mineral resources in the Area,

Conscious of the need to strengthen the working methods to facilitate progress to that end,

1. *Decides* to establish three informal working groups, with the mandate and working modalities set out in the annex to the present decision;
2. *Also decides* to appoint the individuals to be designated by the regional groups in accordance with those modalities as facilitators;
3. *Further decides* that the facilitators shall exercise their functions in accordance with the mandate set out in the annex to the present decision;
4. *Requests* the facilitators to report on the progress in their work during the next meeting of the Council, in July 2020.

*264th meeting
21 February 2020*

Working methods to advance discussions on the draft regulations

- **Informal working groups established**, decision of the Council, 21 February 2020 (ISBA/26/C/11): (i) protection and preservation of the marine environment; (ii) inspection compliance and enforcement; and (iii) institutional matters
- **Open-ended working group of the Council**, for the development and negotiation of the financial terms of a contract.



Annex

Road map for the twenty-seventh session of the Council of the International Seabed Authority, in 2022¹

1. Following discussion on the status of the draft regulations on exploitation of mineral resources in the Area and proposed road map for work on the draft regulations in 2022, the road map has been revised to include: (a) precise dates; (b) a tentative agenda; and (c) details on the modalities of the informal working groups established pursuant to the Council's decision contained in [ISBA/26/C/11](#) to accommodate intersessional work, including through electronic means, as appropriate.²

2. The road map anticipates that remaining appointments of Facilitators of the informal working groups will be announced by 15 December 2021. The informal working groups, as agreed in [ISBA/26/C/11](#), are:

(a) Open-ended working group in respect of the development and negotiation of the financial terms of a contract, chaired by Olav Myklebust (Norway);

(b) Informal working group on the protection and preservation of the marine environment, facilitated by Rajjeli Taga (Fiji);

(c) Informal working group on inspection, compliance and enforcement, facilitated by Janet Omoleegho Olisa (Nigeria);

(d) The informal working group on institutional matters (including the role and responsibilities of the various organs of the Authority, timelines, recourse to independent expertise and stakeholder participation), to be facilitated by a nominee of the Latin American and Caribbean Group.

Road map for the twenty-seventh session of the Council of the International Seabed Authority, in 2022

(a) During the discussion it was noted that it was necessary to accelerate the work on the draft regulations and that “nothing is agreed, until everything is agreed”.

(b) The road map will be reviewed at the end of the last Council meeting of 2022 to take stock of advances achieved.



Facilitators of the working groups of the Council



Facilitator of the OEWG for Financial model



Facilitator for the IWG on the Environment



Facilitator for the IWG on Inspection Compliance and Enforcement



Facilitators for the IWG on Institutional Matters

<i>Organ</i>	<i>Date</i>	<i>Working methods relating to the draft regulations</i>	<i>Tentative agenda</i>
			Agreement on necessary intersessional work
<i>Second part (July–August 2022)</i>			
Finance Committee	13–15 July (3 days)		
Legal and Technical Commission	4–15 July (2 weeks)		
Council	18–29 July (2 weeks)	Informal working groups	Precise agenda to be agreed based on progress made at the Council’s meeting in March 2022
		Plenary (review of outputs and review of progress)	
Assembly	1–5 August (1 week)		
<i>Third part (October–November 2022, subject to resources)</i>			
Council	31 October–11 November (2 weeks) ^b	Informal working groups	Precise agenda to be agreed based on progress made at the Council’s meeting in July 2022
		Plenary (review of outputs and review of progress)	Discussion of “what if” scenario

^a Other relevant documents and information are found in the collation of specific drafting suggestions by members of the Council (ISBA/26/C/CRP.1) and comments on the draft regulations on the exploitation of mineral resources in the Area (ISBA/25/C/2), together with the comments received from other States members of the International Seabed Authority, observers and stakeholders.

^b Tentative.

Negotiations in the Council





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