



Foreign &  
Commonwealth  
Office

# Effective protection of the marine environment from activities in the Area



# Introduction

- Role of the ISA
- The exploration phase
- Development of the exploitation regulations
- Regional Environmental Management Plans
- Reflections from a Sponsoring State



# ISA's role in the protection of the marine environment in the Area

Under Article 145 of the UNCLOS, the ISA has the responsibility to adopt appropriate rules, regulations and procedures for, *inter alia* :

- (a) Prevention, reduction and control of pollution and other hazards to the marine environment
- (b) Protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the marine environment



## Regulations on prospecting & exploration for different mineral resources

Regulations related to the environment in the existing legal framework established by the ISA include:

- Legal and Technical Commission (LTC) shall develop and implement procedures for determining, on the basis of best available scientific and technical information, whether proposed activities in the Area would have **serious harmful effects on vulnerable marine ecosystems**
- Contractors are required to gather environmental baseline data or provide a description of programmes for **environmental baseline studies**, against which to assess the likely effects of proposed activities on the marine environment
- Contractors are required to cooperate with the Authority in implementing programmes for **environmental monitoring and evaluation**



## Recommendations relating to Environmental Impact Assessments for exploration activities

- LTC (19<sup>th</sup> session) adopted *Recommendations for the Guidance of Contractors for the Assessment of Possible Environmental Impacts arising from Exploration for Marine Minerals in the Area* (ISBA/19/LTC/8), including recommendations on the activities requiring and those not requiring EIA
- LTC established a working group to start the review of the Recommendations (Feb. 2017)
- LTC adopted the revised Recommendations (Mar. 2019)
- A draft text on the process of EIA during exploration is currently being developed by the LTC



# Development of the Exploitation Regulations

- Work on the draft exploitation regulation has been underway since 2014.
- The first working draft of the regulations was issued in February 2016
- A discussion paper on the on the Development and drafting of Regulations on exploitation for mineral resources in the Area (Environmental matters) was issued in January 2017
- The latest draft of the regulations was issued in April 2019
- A critical component of the draft regulations are the environmental regulations



# Process of developing standards and guidelines for the Mining Code

In its 25<sup>th</sup> Session (Mar. 2019), a note (ISBA/25/C/3) was provided to the Council regarding **the process for developing and prioritizing standards and guidelines** under the draft regulations on exploitation of mineral resources in the Area, including, *inter alia* :

- Possible processes for the development and adoption of standards and guidelines
- **Environmental assessment as a priority area** for the development of standards and guidelines, including those for baseline data, risk assessment, impact assessment **put in the other priorities**
- A technical workshop has just been held on the development of standards and guidelines



# Regional Environmental Management Plans

- The first REMP was adopted for the Clarion Clipperton Zone in 2012:

*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*

ISBA/18/C/22





## REMPs continued

- Enable a regional approach to environmental management – facilitates a broader understanding of the relevant ecosystem(s) and the potential impact of activities;
- Enable the ISA to have a better understanding of the potential cumulative effects of several mining operations
- Provide for large scale protected areas free of mining activities within the regions with minerals of potential interest for exploitation
- United Kingdom experience, regulator and contractors working together on a regional basis to standardise methods and share data has reduced the burden on the individual contractors
- Understanding the regional environmental baseline can assist contractors in developing environmental impact statements for their specific sites and can assist the ISA in assessing contractors' environmental performance



## UK as a Sponsoring State

- Sponsoring State for two contracts for exploration for polymetallic nodules in the CCZ
- Updated our Deep Sea Mining legislation in 2014:  
Section 5 Protection of the marine environment.  
(1) In determining whether to grant an exploration or exploitation licence the Secretary of State or, as the case may be, the Scottish Ministers shall have regard to the need to protect (so far as reasonably practicable) marine creatures, plants and other organisms and their habitat from any harmful effects which might result from any activities to be authorised by the licence; and the Secretary of State or the Scottish Ministers shall consider any representations made to him (or them) concerning such effects.  
(2) Without prejudice to section 2(3A) above, any exploration or exploitation licence granted by the Secretary of State or the Scottish Ministers shall contain such terms and conditions as he considers (or they consider) necessary or expedient to avoid or minimise any such harmful effects.