

# The mechanism of 'reserved areas': overview and practical implications

Workshop for the promotion of sustainable development of Africa's deep seabed resources in support to Africa's Blue Economy

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# Summary:

- Historical setting;
- III Conference on the Law of the Sea and the ‘parallel system’;
- UNCLOS and ISA regulations;
- Opportunities for developing States;
- Final remarks.



## Arvid Pardo



# 1970

2749 (XXV) Declaration of Principles Governing the Seabed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction

Source: <https://www.unmultimedia.org/>

1. *The seabed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as the area), as well as the resources of the area, are the common heritage of mankind.*
4. *All activities regarding the exploration and exploitation of the resources of the area and other related activities shall be governed by the international régime to be established.*
7. *The exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether land-locked or coastal, and taking into particular consideration the interests and needs of the developing countries.*

1933<sup>rd</sup> plenary meeting, 17 December 1970

## Third United Nations Conference on the Law of the Sea



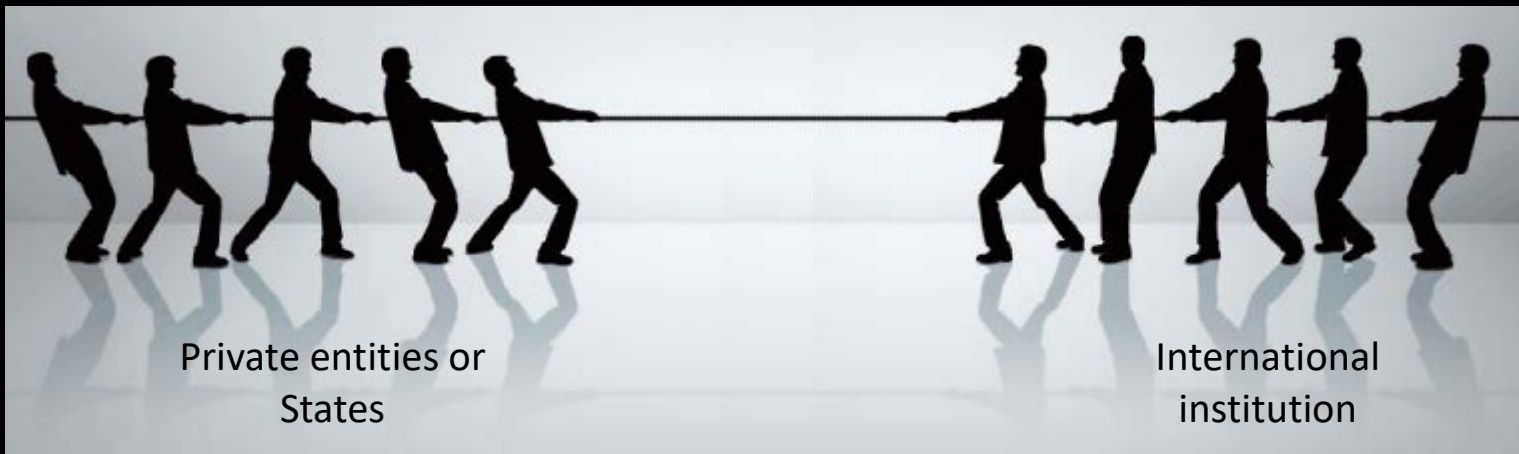
# Third United Nations Conference on the Law of the Sea

## 1973-1982

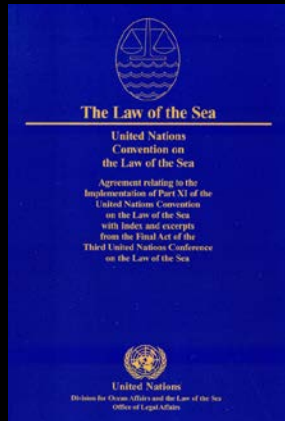


Developed  
(industrialized)  
States

Developing  
States



# 1982



## The 'parallel system'

### System of exploration and exploitation (Article 153 of UNCLOS)

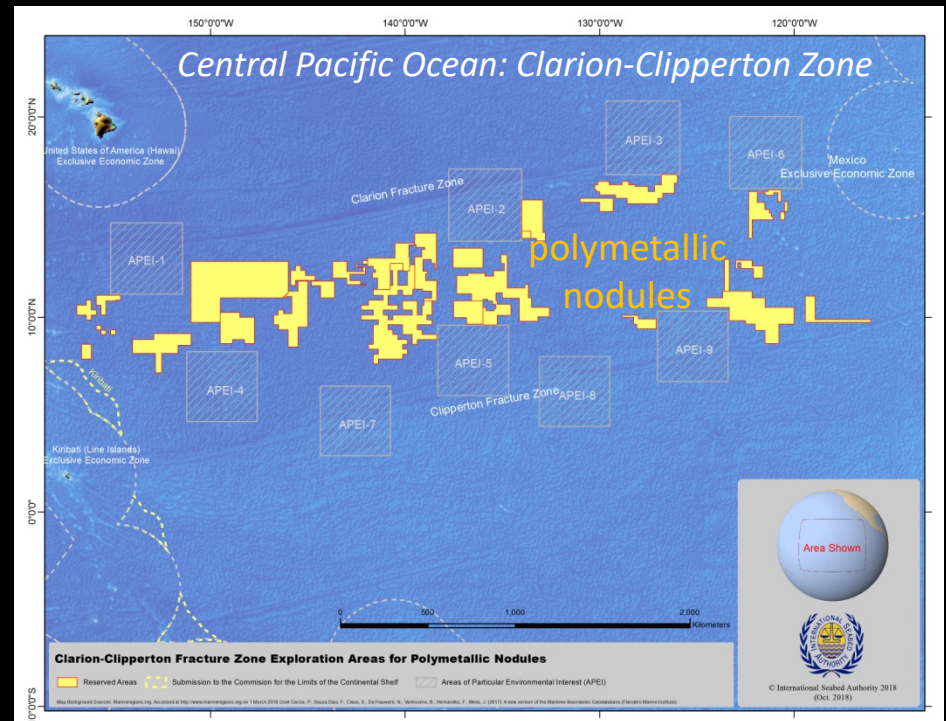
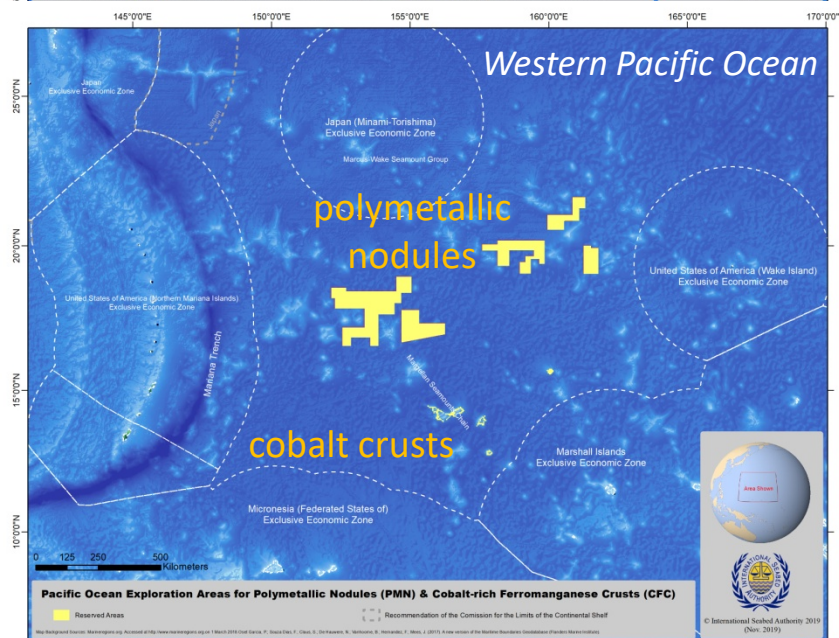
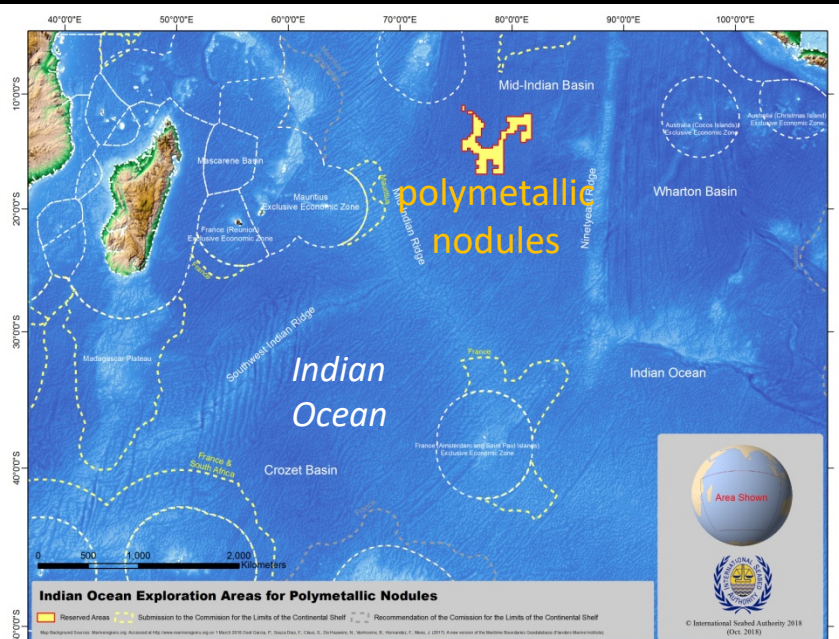
1. *Activities in the Area shall be organized, carried out and controlled by the Authority on behalf of mankind as a whole [...].*
2. *Activities in the Area shall be carried out [...]:*
  - (a) *by the Enterprise, and*
  - (b) *in association with the Authority by States Parties, or state enterprises or natural or juridical persons which possess the nationality of States Parties or are effectively controlled by them or their nationals [...].*



Source: [https://www.un.org/Depts/los/convention\\_agreements/convention\\_20years/Montego%20Bay.htm](https://www.un.org/Depts/los/convention_agreements/convention_20years/Montego%20Bay.htm)

## Reservation of areas (Article 8 of Annex III, UNCLOS)

*Each application, other than those submitted by the Enterprise or by any other entities for reserved areas, shall cover a total area, which need not be a single continuous area, sufficiently large and of sufficient estimated commercial value to allow two mining operations [...].*



# Regulations on Exploration for mineral resources in the Area (2000)

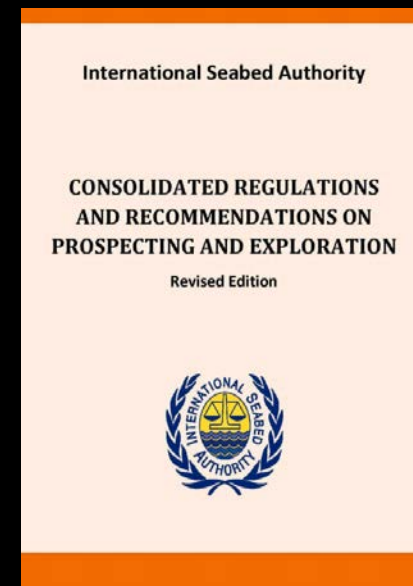
## *Regulation 16, Polymetallic Nodules*

*Data and information to be submitted before the designation of a reserved area*

*1. Each application shall contain sufficient data and information, as prescribed in section II of annex II to these Regulations, with respect to the area under application to enable the Council, on the recommendation of the Legal and Technical Commission, to designate a reserved area based on the estimated commercial value of each part. Such data\* and information shall consist of data available to the applicant with respect to both parts of the area under application, including the data used to determine their commercial value.*

*[...]*

*\*e.g. Geological and physical properties, abundance, thickness, average grade, etc...*





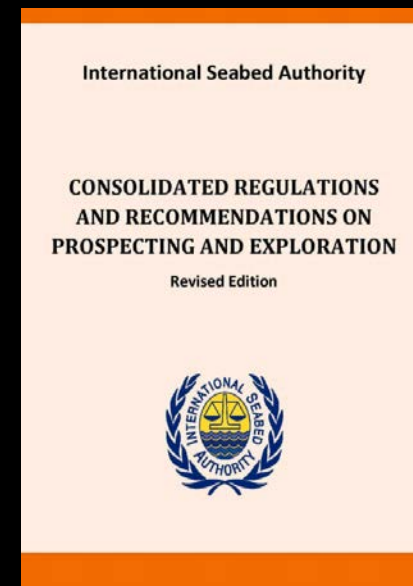
## Regulations on Exploration for mineral resources in the Area (2010, 2012)

### *Regulation 16, Polymetallic Sulphides, Cobalt Crusts*

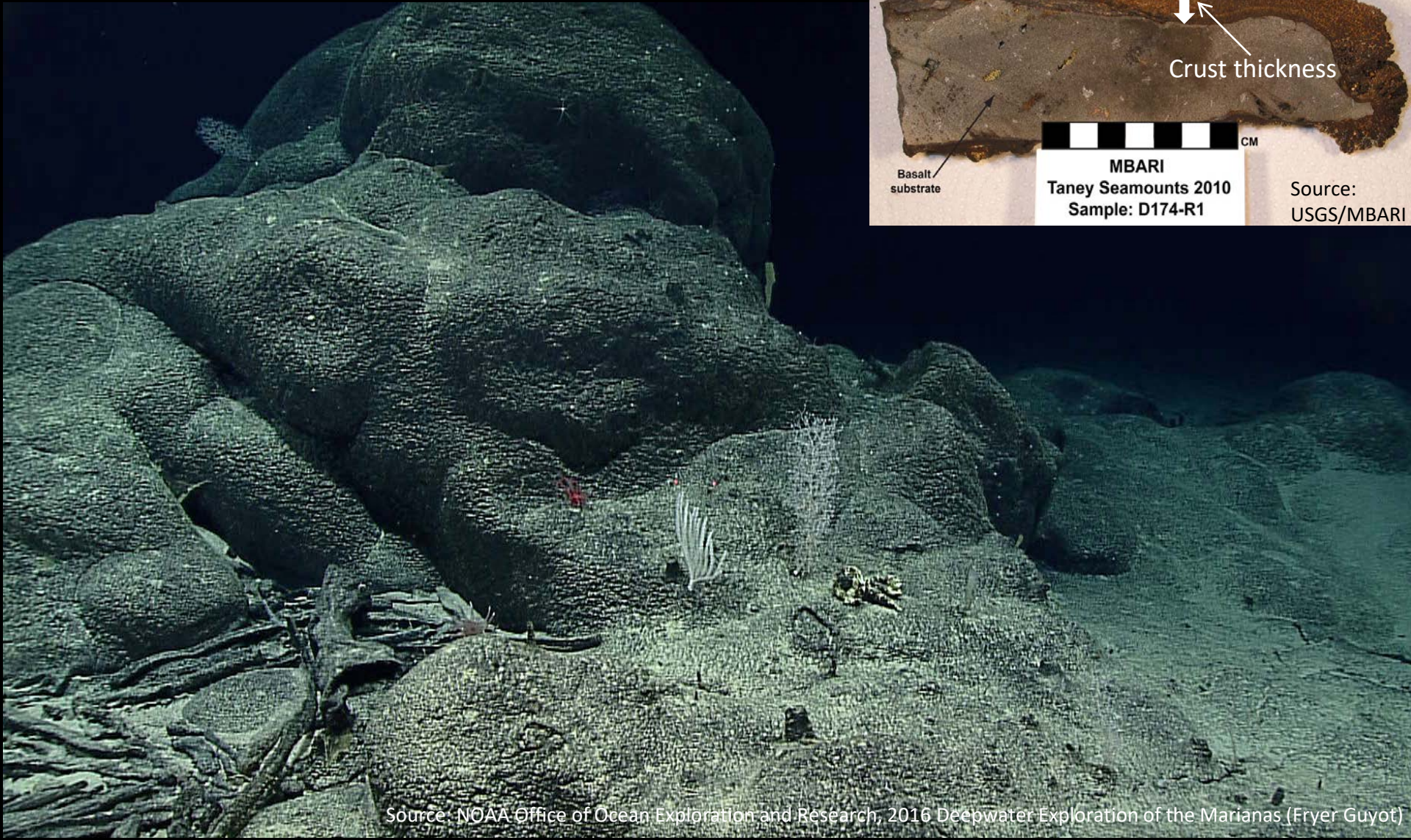
*Applicant's election of a reserved area contribution or equity interest in a joint venture arrangement*

*Each applicant shall, in the application, elect either to:*

- (a) Contribute a reserved area to carry out activities pursuant to Annex III, article 9, of the Convention, in accordance with regulation 17; or*
- (b) Offer an equity interest in a joint venture arrangement in accordance with regulation 19.*



## Cobalt ferromanganese sulfides



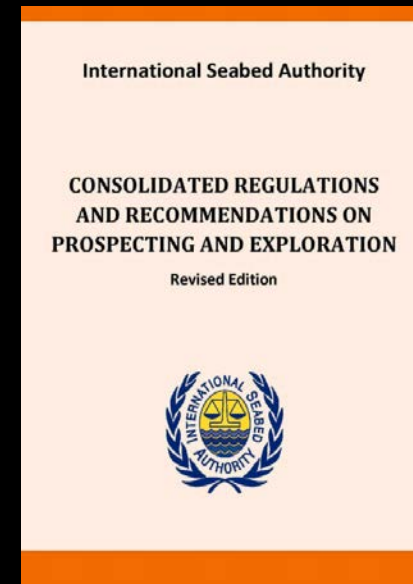
## Regulations on Exploration of mineral resources in the Area

*Regulation 17 (Nodules), 18 (Sulphides), 18 (Cobalt Crusts)*

*Applications for approval of plans of work with respect to a reserved area*

*1. Any State which is a developing State or any natural or juridical person sponsored by it and effectively controlled by it or by any other developing State, or any group of the foregoing, may notify the Authority that it wishes to submit a plan of work for exploration with respect to a reserved area.*

*[...]*



# Contractors:

China Ocean Mineral Resources Research and Development Association (COMRA), **China Minmetals Corporation**, Beijing Pioneer Hi-Tech Development Corporation, **People's Republic of China** - 2001, 2011, 2014, 2017, 2019;

Deep Ocean Resources Development Company (DORD) and Japan Oil, Gas and Metals National Corporation (JOGMEC), **Japan** - 2011, 2014;

**Government of the Republic of Korea** - 2001, 2014, 2018;

Yuzhmorgeologiya, Government of the Russia Federation and the Ministry of Natural Resources and Environment, **Russian Federation** - 2001, 2012, 2015;

Institut français de recherché pour l'exploitation de la mer (IFREMER), **France** - 2001, 2014;

Interoceanmetal Joint Organization (IOM), a consortium formed by **Bulgaria, Cuba, Czech Republic, Poland, Russian Federation and Slovakia** - 2001;

**Government of India** - 2002, 2016;

Federal Institute for Geosciences and Natural Resources, **Germany** - 2006, 2015;

Nauru Ocean Resources Inc., **Nauru** - 2011;

Tonga Offshore Mining Limited, **Kingdom of Tonga** - 2012;

G-TEC Sea Mineral Resources NV, **Belgium** - 2013;

UK Seabed Resources Ltd, **United Kingdom** - 2013, 2016;

Marawa Research and Exploration Ltd, **Republic of Kiribati** - 2015;

Ocean Mineral Singapore Pte Ltd., **Singapore** - 2015;

Companhia de Pesquisa de Recursos Minerais, **Brazil** - 2015;

Cook Islands Investment Corporation, **Cook Islands** - 2016;

**Government of Poland** - 2018;

Blue Minerals Jamaica Ltd., **Jamaica** - 2021



Asia-Pacific Group ✓

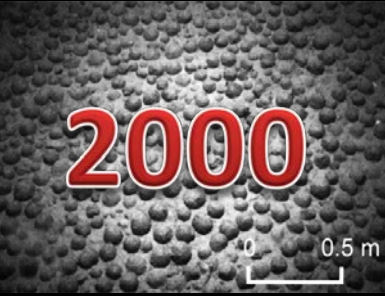
Eastern European Group ✓

Latin American and Caribbean States Group ✓

Western European and Other States Group ✓

African Group X

# Contractors:



- Asia-Pacific Group ✓
- Eastern European Group ✓
- Latin American and Caribbean States Group ✓
- Western European and Other States Group ✓
- African Group ✗



## Final remarks

- The 'parallel system' and the reserved areas provide an opportunity for the participation of developing States in the activities in the Area;
- More than 810,000 km<sup>2</sup> remains available as reserved area for Polymetallic Nodules and 3,000 km<sup>2</sup> for Cobalt Ferromanganese Crusts;
- The reserved areas enclose mineral resources, which commercial value was preliminary estimated as being similar to an area that is already being explored under a contract with the ISA;
- One of the responsibilities of the ISA Secretariat is the evaluation of the mineral resources contained in reserved areas. This implies the validation of the available data and information, geostatistical analysis and harmonization of different protocols used by contractors.

## Final remarks



**International Seabed Authority**

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# DeepData

## DeepData Database

DeepData About Contact Manual



The ISA Deep Seabed and Ocean Database has been designed to serve as a spatial, internet-based data management system. Its main function is to host all deep seabed activities related data and in particular, data collected by the contractors on their exploration activities, as well as any other relevant environmental and resources related data for the Area.

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