

**Twenty-seventh session**  
Council session, part I  
Kingston, 21 March-1 April 2022

**Item 11 of the provisional agenda\***  
**Draft regulations on exploitation of mineral resources in the Area**

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**Schedule**

Drafting proposals submitted by delegations as compiled on 29 March 2022

## Schedule

### Use of terms and scope

#### Explanation / comment

- While time did not permit a discussion of all of the relevant terms included in the Schedule, a suggestion was made to revise the definition of “environmental effect” as shown below.
- In addition, proposals were made to include definitions for the following terms:
  - Damage to the Marine Environment
  - Ecosystem Approach
  - Effective Protection
  - Environmental Impact
  - Environmental Management System
  - Protection
  - Preservation
  - Rehabilitation
  - Regional environmental management plan
  - Restoration
- Delegations are invited to consider the need to define these terms in the Schedule.
- The proponents are invited to provide text for these terms, noting that the only proposed text was for “Environmental Management System” as follows:

*“Environmental Management System” means that part of the overall management system applied by a Contractor that includes organizational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining environmental policy, goals and environmental performance.*

**“Environmental Effect”** means any consequences in the Marine Environment arising from the conduct of Exploitation activities, whether positive, negative, direct, indirect, temporary or permanent, or cumulative effect arising over time or in combination with other ~~mining impacts~~ stressors and activities in the same area, including those not regulated by the Authority.

#### Explanation / comment

- It is suggested that the further elaboration of which cumulative effects are covered in the definition be explained by its proponent and further consideration be given to the issue.

## **I – Members**

### **China**

#### **Rationale**

On the use of term and scope, China noted that the definition of "environmental Effect" cover areas beyond the jurisdiction of the Authority. We believe that clarification is needed on how it could be coordinated with the ongoing BBNJ agreement process to ensure the predictability and certainty for contractors' work.

### **Micronesia**

"Best Environmental Practices" means the application of the most appropriate combination of environmental control measures and strategies, that will change with time in the light of improved knowledge, understanding or technology, as well as the incorporation of the relevant traditional knowledge of Indigenous Peoples and local communities, taking into account the ~~guidance set out in the~~ applicable Standards and Guidelines.

#### **Rationale**

Indigenous Peoples and local communities ("IPLCs") have traditional knowledge of relevance to the Authority's regulation of activities in the Area. For example, IPLCs have traditional knowledge about culturally significant marine species (e.g., whales, sharks, sea turtles, seals, tuna) that range between coastal waters and the high seas above the Area, including knowledge about migratory and feeding patterns and other behavioral characteristics that inform a holistic view of the relevant parts of the Area and could be impacted by activities in the Area. Additionally, a number of IPLCs still engage in instrument-free traditional navigation across the high seas, including in many parts of the Pacific (e.g., in the Micronesian region as well as out of Hawai'i and other parts of Polynesia), and such navigation relies on millennia of knowledge about the Ocean space, including marine life encountered throughout such navigation. All this traditional knowledge can inform the establishment of APEIs and similar measures in the Area, as well as environmental impact assessments in connection with activities in the Area, among other regulatory actions under the Mining Code.

Reflecting such traditional knowledge is in line with relevant environmental best practices in, e.g., the CBD (including in the description of EBSAs and the conducting of EIAs), the Central Arctic Ocean Fisheries Agreement, the reports of the IPCC (e.g., as reflected in its Special Report on the Ocean and Cryosphere in a Changing Climate) and IPBES, and the implementation plan for the UN Decade of Ocean Science for Sustainable Development. We propose reflecting this notion as part of the definition of "Best Environmental Practices."

We also propose expanding the text of the definition of "Best Environmental Practices" to include a reference to "Standards" alongside the reference to "Guidelines," to ensure that the term "Best Environmental Practices" is in full accord with all relevant Standards as well as Guidelines.