

GER Comments on the draft REMP Guidance (ISBA/27/C/37)

As of 15 January 2023

Germany would like to again thank the LTC for preparing the Draft Guidance to facilitate the development of regional environmental management plans as contained in ISBA/27/C/37 (referred to in the following as “Draft Guidance”). As agreed during the last meetings of the Council in October/November 2022, State Parties are invited to submit specific comments to the Draft Guidance.

Germany is submitting general comments in this document. In addition, we propose specific changes to the Draft Guidance as contained as tracked changes in the annex to this document.

At the outset, we would like to highlight that the Netherlands and Germany, co-sponsored by Costa Rica, had jointly submitted two documents with regard to the development of a standardized approach in 2019, namely ISBA/26/C/6 and ISBA/26/C/7. The Dutch/German submissions were based on a four days consultation workshop with 75 ISA stakeholder participants, including Council members and contractors. When these documents were discussed in early 2020 the majority of interventions by Council members were strongly supportive. The textual proposals in the annexed document therefore largely derive from our original GER/NDL submissions.

- (1) The task for the LTC as decided by the Council in ISBA/26/C/10 was *“in consultation with the Finance Committee if necessary, to further develop the “Guidance to facilitate the development of regional environmental management plans”, ... taking into account, as appropriate, the abovementioned proposals – the German/Dutch submissions - with a view to recommending to the Council a standardized approach, including a template with indicative elements”*.

Unfortunately, we need to state that many conceptual approaches both with regard to the substance and the procedure of the Dutch/German submissions have not been included in the Draft Guidance. We thus see a need for significant amendments to the Draft Guidance.

- (2) We regard the development of a document outlining a standardized approach for the development of REMP as an iterative process. We reserve our right to submit further comments at a later stage.
- (3) Most importantly, the status of the documents will need to be reconsidered. Our firm view is that a standardized procedure and format for REMPs must be a binding *Standard*, rather than a non-binding *Guidance* document. Only thereby, the aspiration of this document to provide “minimum requirements” can be fulfilled.
In addition, it needs to be clarified that exploitation activities may only be permitted if a REMP has been developed and formally adopted for the respective area.
- (4) With regard to the procedure for REMP development and adoption, we think that the steps required in the currently presented Draft Guidance would not ensure transparency, accountability and inclusiveness – all aspects which the Authority regards as essential for its work. Core elements of the German/Dutch proposal which were aimed at achieving transparency, accountability and inclusiveness are not included in the draft guidance, including the iterative involvement of experts and stakeholders. This may involve the establishment of ‘expert committees’ as proposed in our original submission, or a procedure

as recently agreed by the Council with respect to the development of environmental thresholds.

- (5) With regard to the “General template” as contained in the Draft Guidance, the level of details with regard to comprehensive and informative structure of REMPs, the potential instruments to be considered in order to protect the marine environment and information needed of the Appendix of the draft guidance is considered insufficient. In particular, no requirement is entailed to establish protected areas, i.e. mining exclusion areas. In our original submission of 2019, we proposed that the ISA establishes “*Minimum requirements*” that every REMP will need to fulfill. The current template is comparably weak and contains rather vague guidance on how a REMP is drafted. As a crucial tool to ensure an effective protection of the marine environment and that REMP can establish a level playing field for all contractors - with other words: creating the same economic conditions for all. To this end, it is essential that exploitation contracts must not be concluded before a REMP is in place and that the REMP sets an obligatory framework for the approval of mining applications. Both elements which Germany regards as essential are too vaguely addressed in the Draft Guidance.



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Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-seventh session

Guidance to facilitate the development of regional environmental management plans

Report and recommendations by the Legal and Technical Commission

I. Introduction

1. The present guidance has been developed to provide a standardized approach for the development, approval and review of regional environmental management plans in the Area, including a template with indicative elements, as requested by the Council of the International Seabed Authority in its decision [ISBA/26/C/10](#). The present document contains:

- (a) An overview of progress in the development and implementation of regional environmental management plans;
- (b) A standardized procedure for the development, approval and review of regional environmental management plans (see annex), drawing upon the proposed procedure contained in [ISBA/26/C/6](#) and existing practices of the Authority;

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(c) A general template for regional environmental management plans (see appendix), including indicative elements, as discussed by the Legal and Technical Commission during the first part of the present session, held from 14 to 18 March 2022, drawing upon the proposed template contained in the annex to document [ISBA/26/C/7](#), as well as the structure of the environmental management plan for the Clarion-Clipperton Zone ([ISBA/17/LTC/7](#)).

2. Regional environmental management plans are essential tools for ensuring the effective protection of the marine environment, in accordance with article 145 of the United Nations Convention on the Law of the Sea. This is reflected in the strategic plan of the Authority for the period 2019–2023 ([ISBA/24/A/10](#), annex) and its highlevel action plan ([ISBA/25/A/15](#), annex II, and [ISBA/25/A/15/Corr.1](#)), as adopted by the Assembly.

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3. During the first part of the twenty-sixth session, the Council considered two submissions on regional environmental management plans by Germany and the Netherlands, with the co-sponsorship of Costa Rica, namely:

(a) Procedure for the development, approval and review of regional environmental management plans ([ISBA/26/C/6](#));

(b) Proposal for a template with minimum requirements for regional environmental management plans: a proposal for a standardized approach ([ISBA/26/C/7](#)).

4. In February 2020, the Council adopted a decision concerning a standardized approach for the development, approval and review of regional environmental management plans in the Area ([ISBA/26/C/10](#)). In that decision, the Council requested the Commission, in consultation with the Finance Committee, if necessary, to further develop the “Guidance to facilitate the development of regional environmental management plans”,¹ in accordance with the Convention and the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, as well as the rules, regulations and procedures of the Authority, and taking into account, as appropriate, the two submissions mentioned above with a view to recommending to the Council a standardized approach, including a template with indicative elements.

II. Process of developing and implementing regional environmental management plans in the Area

A. Development and review of the environmental management plan for the Clarion-Clipperton Zone

¹ Prepared by the secretariat and available at: www.isa.org.jm/files/files/documents/rempl_guidance_.pdf

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5. Pursuant to the mandate of the Authority under article 145 of the Convention, the Council, at its eighteenth session, in 2012, approved in its decision [ISBA/18/C/22](#), an environmental management plan for the Clarion-Clipperton Zone on the basis of the recommendation of the Commission (see [ISBA/17/LTC/7](#), [ISBA/17/C/19](#), and [ISBA/18/C/20](#)).

6. In the decision, the Council requested the Commission to report to it on the implementation of the environmental management plan and decided that the plan would be applied in a flexible manner so that it could be improved as more scientific, technical and environmental baseline and resource assessment data were supplied by contractors and other interested bodies. It also requested the Commission to make recommendations, where appropriate, to the Council relating to the network of areas of particular environmental interest, on the basis of the results of workshops.

7. In line with the request of the Council and relevant provisions in the environmental management plan for the Clarion-Clipperton Zone, the Commission reviewed progress in the implementation of the environmental management plan in 2016 and 2021.² On the basis of the recommendation of the Commission, the Council, in 2021, adopted a decision relating to the review of the plan (see [ISBA/26/C/58](#)). That decision included the establishment of four additional areas of particular environmental interest to further enhance the effectiveness of the network of such areas, drawing upon the outcomes of the expert workshop held from 1 to 4 October 2019, in Friday Harbor, United States of America.

B. Development of regional environmental management plans in other priority areas

8. Although the basis for the Council's decision to establish regional environmental management plans stems from the powers and functions of the Council under the Convention, the plans are not themselves legal instruments, but rather instruments of environmental policy.

9. The purpose of a regional environmental management plan is to set in place conservation and management measures and tools across the region in the Area to ensure the effective protection of the marine environment from harmful effects that may arise from activities in the Area, in accordance with article 145 of the Convention and the strategic plan of the Authority. To this end, such a plan establishes principles, goals and objectives and identifies area-based and other management measures, as well as an implementation strategy.

10. In March 2018, the Council took note of a preliminary strategy proposed by the Secretary-General for the development of regional environmental management plans for key parts of the Area where there were contracts for exploration (see [ISBA/24/C/3](#)). The Council agreed with the priority areas that had been identified on a preliminary basis as the Mid-Atlantic Ridge, the Indian Ocean triple junction ridge and nodule-bearing province, as well as the North-West Pacific and South Atlantic Oceans for seamounts. The strategy was later reflected in the Authority's strategic plan and its high-level action plan for the period 2019–2023.

² See [ISBA/22/LTC/12](#) and [ISBA/26/C/43](#), 22-12509

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11. The Council also considered it essential that the regional environmental management plans be developed in a transparent manner, following a coherent and coordinated approach, under the auspices of the Authority, in the light of its jurisdiction under the Convention and the Agreement (see [ISBA/24/C/8](#)). In addition, the Council encouraged the following efforts in the development of such plans:

- (a) Support the expansion of strategic partnerships by the secretariat with relevant organizations and researchers;
- (b) Encourage further outreach and consultation with the relevant stakeholders;
- (c) Have sufficient scientific basis;
- (d) Encourage broad participation in the programme of workshops as a whole.

12. In its decision relating to the reports of the Chair of the Legal and Technical Commission ([ISBA/25/C/37](#)) adopted at the twenty-fifth session, the Council encouraged the secretariat and the Commission to make progress in the development of environmental management plans in other zones in the Area, in particular where there were exploration contracts. The Council also took note of a report of the Secretary-General on the implementation of the strategy for the development of regional environmental management plans for the Area ([ISBA/25/C/13](#)), including a programme of work to support the Commission in developing those plans through a series of workshops (see [ISBA/25/C/17](#), para. 7).

13. In line with the approach outlined in the strategy and the programme of work since 2018, seven expert workshops have been convened by the Authority in collaboration with various partner organizations to support the development of regional environmental management plans in priority areas (see the table below). A total of 368 participants from 45 countries participated in the expert workshops, including 150 participants from developing countries.

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Regional environmental management plan workshops convened and planned by the International Seabed Authority for the period 2018–2023

	2018	2019	2020	2021	2022	2023
Clarion-Clipperton Zone		Friday Harbor, United States of America				
Mid-Atlantic Ridge	Szczecin, Poland	Evora, Portugal	Virtual workshop			
Indian Ocean			Virtual workshop (preliminary discussion)			Chennai, India
North-West Pacific Ocean	Qingdao, China		Virtual workshop			Tokyo

14. From the Clarion-Clipperton Zone to other regions, the process for the development of regional environmental management plans has evolved over time and has included the following steps:

(a) **Initiation of the development of regional environmental management plans in priority areas, in line with the decision of the Council;**

(b) **Compilation and synthesis of available environmental data and information.**

This initial step was carried out for the Clarion-Clipperton Zone (in its recent review) and for the northern Mid-Atlantic Ridge, in collaboration with such existing scientific initiatives as the DeepCCZ Project and the Atlantic regional environmental management plan project, respectively. Where such regional-scale research projects do not exist, the secretariat facilitated contributions from contractors and scientific experts in the collation of relevant environmental data and information in the area concerned. The data and information are summarized in a regional environmental assessment and a data report for each region, both of which are made available on Authority's website;

(c) **Scientific assessment.** This step is undertaken through a series of expert workshops aimed at developing proposals for the effective protection and management of the region covered by the proposed regional environmental management plan. Workshops were organized by the Authority in collaboration with various Member States and partner organizations to develop such plans. The workshops were chaired by members of the Commission, with organizational support from the secretariat. In the case of the northern Mid-Atlantic Ridge, the practices and plans for developing regional environmental management plans included two workshops, which brought together a wide range of expertise. The first workshop facilitated the exchange of information and perspectives relating to plan development. The second workshop was focused on the review of the scientific information and data that had been compiled,

and the development of scientific methods and approaches for applying conservation and environmental management measures. The development of regional environmental management plans for the North-West Pacific and Indian oceans included an initial workshop, which in each case facilitated the exchange of information and perspectives relating to plan development. For the North-West Pacific, this was followed by a second workshop focusing on scientific aspects relating to plan development. A similar workshop is planned for the Indian Ocean;

(d) **Managerial and policy assessment.** In the case of the northern Mid-Atlantic Ridge, a third and final workshop brought together experts in various disciplines, including environmental management, law and policy, to discuss potential conservation and environmental management measures. Similar expert workshops will be held for the development of regional environmental management plans for the North-west Pacific and Indian oceans;

(e) **Development of draft regional environmental management plan documents by the Commission.** Drawing upon the outcomes of the expert workshops on the development of the regional environmental management plan for the northern Mid-Atlantic Ridge, the Commission set up a working group to draft the document for a new plan, with assistance from the secretariat. The Commission approved the draft plan for the northern Mid-Atlantic Ridge in plenary for release for stakeholder consultation;

(f) **Stakeholder consultation.** The secretariat published the draft regional environmental management plan for the northern Mid-Atlantic Ridge on the Authority's website for stakeholder consultation for a period of 45 days. All comments were published and reviewed by the Commission;

(g) **Formulation of recommendations by the Commission.** In the case of the draft regional environmental management plan for the northern Mid-Atlantic Ridge, the Commission revised the draft plan, taking into consideration the outcomes of the stakeholder consultation, and formulated its recommendations to the Council; (h) **Decision by the Council.**

15. The main constraints in the development of regional environmental management plans are the availability of: (a) environmental data for evidence-based environmental management planning; and (b) budgetary resources to support both short- and long-term data compilation and standardization, research and monitoring efforts needed to support the development, implementation and review of the plans. The process outlined above capitalizes upon the strategic partnerships developed between the Authority and member States and scientific and other organizations in a cost-effective manner for the Authority. Such a process also provides for the collation of scientific knowledge and expert opinions, as well as opportunities to discuss and develop the plans with a broad range of experts and stakeholders, including from developing countries. An open dialogue has been encouraged between scientific experts, contractors and other stakeholders and the Authority.

16. The process undertaken by the Commission is fully compatible with its mandate under article 165 of the Convention, which includes preparing environmental assessments of the environmental implications of activities in the Area and making recommendations on the protection of the marine environment, taking into account the views of recognized experts in that field, as well as, under paragraph 13, article 163, namely, to consult with other competent organs of the United Nations or of its specialized agencies or any international organization with competence in the subject matter of such consultation.

17. On the basis of those experiences, the Commission developed a draft standardized procedure for the development, approval and review of regional environmental management plans, with a view to establishing the roles for the various stakeholders and ensuring, as far as possible, that the process to develop such plans was underpinned by up-to-date scientific information.

III. Recommendations

18. The Commission recommends that the Council consider, with a view to adopting, the standardized procedure for the development, approval and review of regional environmental management plans, including the general template for the development of the plans, as contained in the annex.

Annex Standardized procedure for the development, approval and review of regional environmental management plans

Commented [A1]: We understand that the actual document to be agreed begins here.

I. Introduction

1. Regional environmental management plans ~~should aim to~~ contribute to fulfilling the mandate of the International Seabed Authority to ensure the effective protection of the marine environment from harmful effects that may arise from activities in the Area, in accordance with article 145 of the United Nations Convention on the Law of the Sea and the strategic plan of the Authority for the period 2019–2023. 2.

~~In broad terms,~~ Regional environmental management plans ~~are designed to~~ shall:

- (a) Provide the relevant organs of the Authority, as well as contractors and their sponsoring States, with environmental management measures and tools, including area-based management tools, to support informed decision-making that balances resource development with the protection of the marine environment at a regional scale;
- (b) Provide the Authority with a clear and consistent mechanism to identify particular areas considered to be: (a) representative of the full range of habitats, biodiversity, sensitive ecosystems and biological communities within the management area; and/or (b) important for the maintenance of ecosystem structure and function;

~~(b)(c)~~ Be legally binding in nature, thus that the substantial requirements set by a REMP needs to be complied with when approving an application for a Plan of work for exploration or exploitation activities;

~~(c)(d)~~ Provide those areas with appropriate levels of protection.

3. ~~The procedure for regional environmental management plan development, set out below, also takes into account that:~~

(a) Pursuant to article 162, paragraph 2 (d), of the United Nations Convention on the Law of the Sea, the Council has the power to establish subsidiary organs as it deems necessary for the exercise of its functions;

(b) The process outlined below takes into consideration the functions of the Legal and Technical Commission of the International Seabed Authority in relation to environmental matters. Notably, the Commission is empowered, under the Convention, to make recommendations to the Council of the Authority on the protection of the marine environment, taking into account the views of recognized experts in that field (art. 165, para. 2 (e)) and, in the exercise of its functions, the Commission may consult with, inter alia, any international organizations with competence in the subject matter of such consultation (art. 163, para. 13). In addition, the Commission is also responsible aimed at keeping under review the rules, regulations and procedures on activities in the Area and for recommending to the Council from time to time such amendments thereto as it may deem necessary or desirable (art. 165, para. 2 (g)).

The Legal and Technical Commission shall make recommendations to the Council on the protection of the marine environment, taking into account the views of recognized experts in that field (art. 165, para. 2 (e), of the Convention) and, in the exercise of its functions, the Commission may consult with, inter alia, any international organizations with competence in the subject matter of such consultation (art. 163, para. 13, of the Convention).

II. Initiation of the regional environmental management plan development procedure

4. A regional environmental management plan shall be developed by the Authority for each region ~~that has for which~~ activities are envisaged in the Area.

5. The Council is responsible for defining a strategy for the development of regional environmental management plans for all mineral provinces in the Area where exploration is taking place, and the identification of priority areas. ~~The Council may then request the Commission to undertake or initiate the development of those plans.~~

6. ~~It is envisaged that a~~ regional environmental management plan ~~should~~ shall be in place before any exploitation contracts are signed.

III. Development of a regional environmental management plan

A. ~~A.~~ Expert Committee

The Council, acting on a recommendation of the Legal and Technical Commission, shall establish an expert committee for the development of a first draft of the regional environmental management plan for a specific region.

This expert committee should be established as a technical body of the Legal and Technical Commission and be characterized as an ad hoc committee that is assigned to develop and review one regional environmental management plan for a specific region. The committee should support the Commission in its task of advising the Council.

The selection and appointment of experts should be undertaken in line with relevant guidelines and United Nations procurement processes, with a focus on competences identified as relevant for the specific regional environmental management plan. It should be configured as an independent expert body, comprising about five to seven experts acting in their individual capacity. The experts should have expertise in the following areas, at a minimum: biology, geology, oceanography, spatial planning and modelling. The expertise in biology shall include, at a minimum, expertise related to biodiversity, connectivity and the ecosystem function of benthic and pelagic communities.

Region-specific knowledge should be considered in particular when selecting the experts.

Members of the expert committee shall have no personal financial interest in any activity relating to exploration and exploitation in the Area.

B. Workplan for regional environmental management plans

7. The Commission-Expert committee should prepare a workplan for the development of each new regional environmental management plan. The workplan will identify the main tasks to be undertaken by the Commission-Expert Committee supported by the Commission and the secretariat and as well as the competencies of any external experts to assist with the process, and will set out an indicative timeline.

B. Defining the geographical scope of a regional environmental management plan

8. Defining the spatial extent of regional environmental management plans in the Area is a fundamental step in the plan development process. The location and size can generally be defined by taking into account the following:

- (a) *Geological features.* These may define a contiguous area or gradient (e.g. a spreading ridge region) or may need to include clusters of discontinuous areas (e.g., separate seamount areas);
- (b) *Biogeographical areas.* These use information on the biogeographic distribution of characteristic species and considers: (i) areas of similar habitat coverage; (ii) self-sustaining populations; and (iii) a broad range of habitats;
- (c) *Oceanographic setting.* The water masses, currents and tidal regime of the region indicate areas of similar environmental characteristics.

C. Compilation of available data and information

9. The Commission-Expert Committee, with assistance from the secretariat, should facilitate the compilation, analysis and synthesis of available data and information, including:

- (a) Contractor data and information submitted to the Authority that pertain to the region and are not deemed confidential, in accordance with the rules, regulations and procedures of the Authority;
- (b) Data and information, in particular from scientific projects, initiatives in the region, peer-reviewed articles and publicly accessible databases;
- (c) Traditional knowledge of indigenous peoples;
- (d) Information on human remains or archaeological or cultural objects;
- (e) Any other information relevant to the indicative elements for the regional environmental management plan.

10. Such data and information will be disseminated through the regional environmental assessment and data report. Both documents will be made available on the Authority's website. The Commission-Expert Committee, with assistance from the

secretariat, may identify the most cost-effective way to develop the reports, based on the data and information available in the DeepData database, existing scientific coverage and the number of experts working in the area. ~~The Commission's experience to date is that contracting a team of experts can be an efficient and cost-effective way of producing the regional environmental assessment.~~ Nevertheless, the best way to compile the baseline data needs to be assessed on a case-by-case basis. The outputs of such an exercise are comprehensive review documents to support workshop deliberations.

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D. Scientific assessment

11. One or more workshops may be convened to bring together experts. Such workshops, organized by the ~~Expert Committee supported by the secretariat in collaboration with the Commission,~~ will be focused on scientific synthesis and description as well as the development of tools and approaches for the effective protection and management of the area covered by the proposed regional environmental management plan. The workshops will include the following objectives:

- (a) Define the appropriate regional environmental management plan area, drawing upon information on the geology, biogeography and oceanography of the region;
- (b) Review and analyse benthic and pelagic ecosystem data;
- (c) Synthesize environmental data, including faunal distribution, dispersal capabilities and distances; genetic connectivity; patterns of biodiversity; community structure; ecosystem function; and ecological proxy variables;
- (d) Describe current exploration activity within contract areas;
- (e) Undertake an assessment of cumulative impacts;
- (f) Provide descriptions of potential areas that could be protected from exploitation in order to achieve the effective protection of the marine environment, including through the identification and description of different categories of area-based management tools, such as areas of particular environmental interest, as well as potential sites and areas in need of protection within the region;

(g) Identify potential non-spatial management measures or options.

~~(g)(h)~~ Determine the scientific uncertainties and decide how to deal with these uncertainties both with regard to the area-based and non-spatial management measure and to closing the knowledge gaps.

E. Policy assessment

12. The results of the science-focused workshops will provide inputs for additional, policy-oriented expert workshop(s) focused on management measures and implementation strategies and aimed at translating the scientific proposals into management options. Such workshop(s) should include a diverse range of expertise and stakeholders, in particular those with expertise in technology, conservation planning, environmental management and monitoring, and should also include the participation of relevant international and regional organizations. The Commission, with assistance from the secretariat, will decide if more than one workshop is needed,

based on the status of the regional environmental management plan development and subject to the availability of resources.

13. The policy-oriented expert workshops will focus on identifying:
 - (a) Management goals and objectives at a regional scale;
 - (b) Area-based and other types of management measures to achieve the goals and objectives;
 - (c) Priorities for research and environmental monitoring at the regional scale to address the knowledge gaps identified;
 - (d) Implementation strategies, including collaboration and cooperation.
14. The output of the expert workshops can be included under the various headings identified in the general template for the regional environmental management plan (see appendix).

F. **First draft of the regional environmental management plan**

~~15. The Commission, with assistance from the secretariat, will prepare the draft regional environmental management plan, following the general template laid out in the appendix, including a list of indicative elements. The draft will be released for stakeholder consultation.~~

The expert committee is responsible for preparing a draft of the regional environmental management plan, on the basis of all available data and the information from the workshops and consultations described below. The content of the regional environmental management plan should follow the format set out in the regional environmental management plan template (ISBA/26/C/7, annex).

The secretariat of the Authority should facilitate the development of the first draft of the regional environmental management plan.

The expert committee should organize, with the support of the secretariat of the Authority, one or more international expert workshops in order to develop the first

draft of the regional environmental management plan. Relevant experts, stakeholders in the field (including representatives of relevant coastal States, experts with traditional knowledge and representatives of local communities) and representatives of relevant international bodies should be invited to the workshop, on the basis of an expert and stakeholder mapping exercise (conducted by or for the expert committee), in accordance with the relevant guidelines. The objective of the workshops is, inter alia, to gather all available information and to involve all relevant perspectives, interests, information and expertise.

The expert committee, facilitated by the secretariat, shall compile all available data in a specific database (for example, using the DeepData platform). The regionspecific databases should be kept updated during the development and implementation of the regional environmental management plan.

Where data gaps are identified, the regional environmental management plan should be developed on the basis of proxies, applying the precautionary approach.

G. Consideration by the Legal and Technical Commission

Commented [A3]: Chapters C to E need to be incorporated into Chapter F.

The expert committee will submit its draft of the regional environmental management plan to the Legal and Technical Commission for consideration, accompanied by a statement describing the process undertaken and the stakeholders engaged in its development.

H. Formal stakeholder consultation

Upon receipt from the expert committee, the Legal and Technical Commission should make the draft regional environmental management plan and a summary of the information gathered (pursuant to the plan template and its minimum requirements) publicly available for at least 90 days by placing these documents on the website of the Authority, and should solicit comments from interested parties within this time frame.

The secretariat of the Authority should publish any responses received as part of the consultation on the website of the Authority.

G. Stakeholder consultation

~~16. The secretariat will make the draft regional environmental management plan available for stakeholder comment for a minimum of 45 days by placing the document on the website of the Authority. The secretariat shall on the website publish any responses received as part of such consultation.~~

H. Recommendations by the Legal and Technical Commission

17. After the closure of the ~~consultation-formal stakeholder consultation period, i.e. a minimum of 45 days~~, the Commission should, at its subsequent regular meeting, consider the draft regional environmental management plan, taking into account the comments received during the stakeholder consultation and any further information from the secretariat.

18. Any recommendation by the Legal and Technical Commission to the Council on the adoption of a regional environmental management plan should be accompanied by a justification for that recommendation, a description of the process that has been undertaken in developing the plan, and the report of the expert committee. These documents should be made publicly accessible on the Authority's website at least three months in advance of the Council meeting during which the plan will be put forward for adoption.

~~18-19.~~ The Commission may either recommend that the Council adopt the regional environmental management plan or decide to undertake further work to develop or verify its contents.

I. Establishment of the regional environmental management plan

19. On the basis of a recommendation by the Commission, the Council will approve the establishment of the regional environmental management plan or request the Commission to make specific revisions to the plan and/or undertake further work in developing or verifying its contents, for consideration at the following meeting of the Council.

The Expert committee should be involved accordingly.

IV. Review of the implementation of a regional environmental management plan

~~20. Each regional environmental management plan should be reviewed five years, at the latest, after its establishment by the Council, or earlier if requested by the Council.~~

~~21. The Commission, with support from the secretariat, shall initiate a review of the implementation of the regional environmental management plan by engaging external experts. The review of the plan should include a revision of the regional environmental assessment and the data report, incorporating any significant new available scientific data from contractors and other stakeholders. The assessment and the data report should be made publicly accessible by the secretariat. If appropriate, an expert workshop should be organized, the plan reassessed and proposals for changes reported to the Commission. Further stakeholder consultation may be considered. After its review, the Commission shall report its findings to the Council and provide recommendations for the plan. The report should be made publicly accessible by the secretariat.~~

Annual reporting

Every year, the expert committee, with administrative support from the secretariat, shall provide to the Council a report that summarizes new environmental data from all contractors, as well as new scientific literature data that are relevant to the regional environmental management plan and monitoring data and information. Furthermore, the committee shall provide recommendations as to the implications (if any) of new knowledge and findings for the plan.

The annual report should be made publicly accessible by the secretariat of the Authority.

If a State member of the Authority or an observer wishes to discuss the outcomes contained in an annual report, they may include the topic in the agenda of the Council at its subsequent session.

Timing

Each regional environmental management plan should undergo a review, at the latest five years after its adoption by Council, or earlier if requested by the Council.

Events that may lead the Council to request an earlier review may include:

- (a) Issue of an Authority emergency order that relates to a site within the region;
- (b) Request by another organ of the Authority;
- (c) Submission of substantial new environmental knowledge or data for the region;
- (d) A major environmental change in or affecting the region (e.g., a natural or anthropogenic disaster);

- (e) Relinquishment of areas previously under contract within the region;
- (f) Submission of a new application for a plan of work for exploitation in the region, when the exploitation would be for a new resource category in the relevant area.

Responsibility

The expert committee leads the review process (taking into account any specific instructions from the Council) and reports on the outcome to the Legal and Technical Commission.

The Legal and Technical Commission considers the review report of the expert committee to satisfy itself that the proper procedure has been followed in the review of the regional environmental management plan, in accordance with any relevant guidelines. The Commission recommends to the Council any proposed amendments regarding the plan and its contents, objectives and measures. In submitting such recommendations to the Council, the Commission should include a rationale for its recommendations and a description of the process followed in conducting the review of the plan.

The Council reviews the amendments recommended by the Legal and Technical Commission and either adopts the revised plan or reverts the recommendations to the Commission for further work.

The Secretariat provides administrative support throughout the regional environmental management plan review process.

Consultations

Relevant persons identified through an expert and stakeholder (including relevant international bodies) mapping exercise shall be invited to provide inputs to the expert committee as part of the review process.

Upon receipt from the expert committee, the Legal and Technical Commission should make the proposed revised regional environmental management plan and a copy of the expert committee's report publicly available for 90 days on the website of the Authority, and should solicit comments from interested parties within that time frame.

Following the public consultation period, the recommendations of the Legal and Technical Commission and the revised regional environmental management plan proposed for adoption by the Council are to be made accessible on the website of the Authority at least three months in advance of the Council meeting at which the revised plan is to be put forward for adoption.

Appendix General template for the development of regional environmental management plans

Background

1. The following elements were taken into consideration during the development of the present general template: the structure of the environmental management plan for the Clarion-Clipperton Zone (ISBA/17/LTC/7), the experience of the recent development of the environmental management plans for the northern Mid-Atlantic Ridge and the North-West Pacific and the proposed template for the plans submitted to the Council of the International Seabed Authority by the delegations of Germany and the Netherlands, with the co-sponsorship of Costa Rica (ISBA/26/C/7, annex).

2. In comparison with the template provided in the annex to document ISBA/26/C/7, some subheadings were regrouped and merged, such as those related to environmental baseline information and management measures. The change provides greater flexibility and avoids the repetition of detailed environmental information compiled through technical reports.

3. Some headings and subheadings were not included, such as those relating to guidance on impact and preservation reference zones, the designation of mining areas within contract areas, measures for capacity-building, training and technology transfer,³ communication and public information strategy and measures to incentivize marine scientific research, through international cooperation (see ISBA/26/A/4). It was considered that such guidance or measures were being or would be better pursued through separate processes and initiatives.

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General template

I. Introduction and background

~~Introduction to the legal framework and background on the International Seabed Authority process in support of the development of regional environmental management plans and the potential of such plans to contribute to other global processes.~~

~~A standardized approach in the development of regional environmental management plans is required in order to ensure consistency and comprehensiveness in their development, application and implementation in all regions.~~

~~The template is a standardized format – a blueprint – to be used when developing future International Seabed Authority regional environmental management plans. It entails the minimum requirements for each future REMP.~~

~~Sections 1, 2 and 3 of the template are to be reproduced as drafted, for each regional environmental management plan. Sections 4 to 8 contain region-specific requirements to be completed with region-specific information under each heading.~~

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³ See strategic plan of the Authority for the period 2019–2023 (ISBA/24/A/10), specifically Strategic direction 5 (Build capacity for developing States and Strategic direction 6 (Ensure fully integrated participation by developing States).

II. Guiding principles

The regional environmental management plan is guided by the following principles:

- Common heritage of humankind
- Precautionary approach
- Integrated ecosystem-based management for the whole region
- Accountability through transparent decision-making and public participation
- Use of best available science techniques
- Use of relevant traditional knowledge of indigenous peoples and local communities
- Use of best environmental practices and technologies
- International cooperation

General principles that could be applied to guide the development of regional environmental management plans:

III. Overarching goals

Outline of the high-level goals to be achieved through the development and implementation of regional environmental management plans.

It is likely that the first three sections will be similar for all plans and will refer to the strategic goals of the Authority.

The regional environmental management plans include assessment, management and monitoring measures, aimed at facilitating seabed mining activities as well as:

Protecting and preserving the marine environment, in particular, in order to:

- Maintain biodiversity, connectivity, ecosystem structure, ecosystem service and resilience
- Preserve unique marine ecosystems
- Prevent species extinctions
- Prevent impacts on benthic and pelagic ecosystems, including on mid-water fish stocks
- Prevent exacerbation of vulnerable ecosystems that are under particular risk from projected climate change effects
- Applying precaution in management decisions corresponding to the level of knowledge gap and risk, in particular by:
 - Using all available environmental data to inform management decisions
 - Monitoring and assessing the state of the environment before, during and after any activities in the Area
 - Identifying and taking into account uncertainties
 - Applying adaptive management

- [Identifying and mitigating conflicts in different uses by avoiding overlap between contract areas, reserved areas, areas of particular environmental interest, marine protected areas and areas designated for other legitimate uses \(such as fisheries, submarine cables\)](#)
- [Promoting marine scientific research and capacity-building in the Area](#)

IV. Purpose of the regional environmental management plan

Explanation of the purpose of developing regional environmental management plans.

V. Geographical scope of the regional environmental management plan

This section should include information on the geographical scope of the area covered under the regional environmental management plan.

[\[Insert geographic maps \(preferably three-dimensional\) that contain the coordinates and depths of the specific regional environmental management plan and indicate the:](#)

- [Mineral resources of the specific regional environmental management plan region;](#)
- [Benthic and pelagic biogeographic areas in the specific regional environmental management plan region \(with reference to International Seabed Authority guidelines on how to define boundaries of ocean regions, where available\), and taking into account cross-boundary biogeographic and oceanographic areas](#)
- [Maritime boundaries \(e.g., exclusive economic zones\)](#)
- [International Seabed Authority contract areas, reserved areas and relinquished areas.\]](#)

VI. Environmental and geological setting and exploration areas

This section should include a summary of the information compiled in the regional environmental assessment and the data report, without repeating detailed information already presented in those background reports.

[4.2.1. Description of the marine environment \[Insert description of environmental baseline data and results of data analyses in the region, gathered through contractor reports to the Authority, the DeepData platform, as well as other global and regional databases \(see document issued in November 2019 by the secretariat of the Authority on guidance to](#)

facilitate the development of regional environmental management plans, pp. 26–29⁴) and scientific literature, supported by

Commented [A6]: the numbering must be adapted accordingly

geographic information system (GIS) maps and layers, where appropriate, and including the following categories:

4.2.1.1. Geophysical and chemical features:

- o Physical properties (ISBA/25/LTC/6, para. 15(a)), including advection and eddy diffusion measurements

- o Chemical properties (ISBA/25/LTC/6, para. 15(b))

- o Geological properties (ISBA/25/LTC/6, para. 15(c)), including mineral resources

4.2.1.2. Biological features (ISBA/25/LTC/6 paras. 15(d)–(f), 17, 18) and associated biogeographic areas:

- o Maps of the most recent applicable biogeographic classification of benthic and pelagic realms

- o Biogeographic ranges of characteristic benthic and pelagic species, including transient and migratory species

- o Habitat and abundance models derived from species occurrence data

- o Analysis of species communities through ordination approaches or other techniques to assess species groupings

- o Identification of representative species, taking into account variability of habitats

- o Genetic connectivity of representative species, including source and sink dynamics within a metapopulation

- o Connectivity of migratory species, including those of cultural significance to indigenous peoples and local communities

- o Identification of food-web structure of benthic and pelagic habitats

- o Ecosystem functioning, including the identification of key species

- o Identification of rare and fragile, or otherwise ecologically important, or sensitive or vulnerable ecosystems, or communities

- o Identification of main ecosystem services (e.g., natural carbon capture by biological pump)

4.2.1.3. Identification of natural stressors in the region, including climate change.]

4.2.2. Description of uncertainties [Insert details, using descriptive methods and GIS maps, on the identification of existing data gaps and uncertainties (due to data quality or quantity) with regard to environmental information.]

⁴ Available at www.isa.org.jm/workshop/workshop-regional--managementplanarea-northern-mid-atlanticridge.

4.3. Information on human activities and limitations in the region

4.3.1. Activities in the Area [Insert details, using descriptive methods and GIS maps, of seabed mineral activities, including exploration and exploitation contracts, applications for contracts received, other spatial information from contracted areas such as preservation reference zones and impact reference zones in the region]

4.3.2. Activities in areas beyond the limits of national jurisdiction and in adjacent waters under national jurisdiction [Insert details, using descriptive methods and GIS maps, of identified descriptions, designations, management systems or standards by other international organizations or agreements (e.g., Convention on Biological Diversity, Food and Agriculture Organization of the United Nations, regional fisheries management organizations, International Maritime Organization (IMO), International Finance Corporation, regional seas conventions, marine biological diversity of areas beyond national jurisdiction, ecologically or biologically significant marine areas, traditional marine management areas and measures) relevant to the region]

4.3.3. Freedom of the high seas activities [Insert details, using descriptive methods and GIS maps, of other legitimate marine uses in the region (e.g., shipping, fishing, laying of submarine cables, marine scientific research projects)]

4.3.4. Dumpsites [Insert details, using descriptive methods and GIS maps, on identification of underwater munition, weapons, radioactive substances, or other spoil, if applicable]

4.3.5. Cultural heritage and interests [Insert details, using descriptive methods and GIS maps, of any cultural heritage and interests in the region (e.g., sunken ships, fossils, human remains, routes and marine features used by indigenous peoples and local communities for traditional instrument-free navigation)]

VII. Region-specific goals and operational objectives

This section should outline the regional-specific goals and operational objectives at the regional scale and the scale of contract areas.

VIII. Management measures

This section should include subsections on area-based management tools and other management measures. The first subsection is focused on the different categories of area-based management tools as well as management measures to be applied to individual categories of such tools. The second subsection is focused on other measures, including non-spatial measures, to be applied at the regional scale and the scale of contract areas.

[To be developed based on the overarching goals, principles and information in sections 4, 5 and 6, taking into account their socioeconomic feasibility.]

8.1 Area-based management

[Provide proposals for the establishment of area-based management tools, including:

8.1.1. Size and location of, and restrictions imposed by, International Seabed Authority areas of particular environmental interest,⁵ as well as, if appropriate, marine protected areas, including a map

8.1.2. Guidance on how the size and location of impact and preservation reference zones within contract areas in the region are established, consistent with relevant rules, regulations or procedures of the Authority

8.1.3. Sites in need of protection (with buffer zones) (this relates to the finescale approach as described in the guidance issued by the secretariat of the Authority in 2019. These sites are particularly at risk from mining activities)

8.1.4. Areas of increased sensitivity and/or areas requiring precaution, including existing ecologically or biologically significant marine areas, as recognized by the Convention on Biodiversity, and vulnerable marine ecosystems, as designated by the relevant regional fisheries management organizations]

8.2 Designation of mining areas within contract areas

[Provide details on the number, size and locations of designated mining areas within currently licensed contract areas.]

8.3 Seasonal or temporal restrictions

[Provide details of any seasonal or temporal restrictions that should be applied to seabed mineral activities (e.g., to take into account breeding seasons, migration of cetaceans and other marine species, including culturally significant migratory species).]

8.4 Restrictions of impacts on specific biota

[Provide details of any measures designed to prevent or minimize impacts on specific biota (including, for example, habitats, areas of scientific value and/or interest, areas of cultural, social importance).]

8.5 Measures to deal with potential conflicts with other legitimate uses

The purpose of this section is to address measures to avoid potential conflicts with other legitimate uses, in accordance with article 147 of the Convention and draft regulation 31.

[Provide details, including how potential conflicts will be addressed by procedural arrangements with other international bodies.]

⁵ Areas of particular environmental interest are defined as sectoral, non-permanent closures to mining activities under the auspices of the International Seabed Authority.

IX. Knowledge gaps and research priorities: implementation strategy

This section should provide information about the priorities for future monitoring and research to support the implementation of the regional environmental management plan and address knowledge gaps. These include priorities for monitoring and research at both the regional and the contract-area scale.

[Provide details for each of the following items below:

- Future research plans, sampling methodologies, data analyses, to minimize current data gaps (see 4.2.2.)

- Measures to promote and incentivise test mining (and impact monitoring) projects

- Measures to incentivise marine scientific research, through international cooperation

- Measures for capacity-building, training and technology transfer

8.6.5. Communication and public information strategy]

X. Review of the progress in the implementation of the regional environmental management plan

This section should include information on how progress in the implementation of the regional environmental management plan should be reviewed.