



Statement re Draft Regulation 48 ter and Test Mining ISBA/29/C/CRP.1 27 March 2024

While discussions to date about test mining have focused on issues of environmental protection, the International Cable Protection Committee (“ICPC”) believes that any regime for test mining must also address due and reasonable regard obligations in articles 87 and 147 of the Convention, including coordination with, and protection, of in-service and planned submarine cables. Unless it is based on mere modeling data, test mining is necessarily invasive and involves equipment on the seafloor. These activities therefore pose a risk of damage to submarine cables unless properly coordinated. The ICPC therefore supports the proposition that test mining is an activity that requires coordination and approval, consistent with the concepts and principles in Draft Regulations 13 and 31 of the Exploitation Regulations. If test mining is to occur prior to approval of a Plan of Work, the ICPC remains flexible as to the mechanisms by which that coordination and approval might be accomplished. The ICPC would be pleased to participate in further intersessional work on these issues.

Absent modification of the Exploration Regulations to incorporate such a coordination and approval mechanism with respect to test mining, the ICPC does not support treatment of test mining under the Exploration Regulations. The ICPC believes that the Exploration Regulations’ silence with respect to submarine cables is problematic, as even uncoordinated exploration activities can damage submarine cables. Treatment of test mining under unmodified Exploration Regulations would only compound an oversight in those existing regulations.