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Report of the Chair of the Legal and Technical Commission on the work of the Commission at its thirtieth session

Draft revised standardized procedure for the development, establishment and review of regional environmental management plans

I. Introduction

1. Regional environmental management plans 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.¹

2. The purpose of a regional environmental management plan is to provide region specific information, measures and procedures. A regional environmental management plan sets overarching goals and objectives (see para. 6 below) and establishes environmental management measures, with cumulative effects taken into account.

3. As such, regional environmental management plans are designed, among other things, to:

(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 for environmental protection at a regional scale from mineral resource exploration and exploitation activities;

(b) Provide the Authority with a clear and consistent mechanism to identify particular areas considered to be: (i) representative of the full range of habitats, biodiversity, sensitive ecosystems and biological communities within the management area; and/or (ii) important for the maintenance of the ecosystem structure and function;

(c) Provide those areas with the necessary levels of environmental protection from mineral resource exploration and exploitation activities;

¹ References to underwater cultural heritage were proposed for inclusion in the present document. Because the concept is still under negotiation in the Council, references were not inserted at this time. If necessary, any references to underwater cultural heritage will need to be aligned with the regulations on exploitation of mineral resources in the Area once these have been adopted.



(d) Provide the Authority, contractors, their sponsoring States and other member States, with information at a regional scale on the environment and on the levels of protection set out by the regional environmental management plan.

4. The process outlined below takes into consideration the functions of the Legal and Technical Commission of the 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), 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). In addition, the Commission is responsible for 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), of the Convention).

5. The present standardized procedure document sets out the steps to be undertaken to develop, establish and review regional environmental management plans of the Authority. The standardized procedure also includes a template, which is a standardized format to be used when developing regional environmental management plans of the Authority. The template contains the minimum requirements for each future regional environmental management plan and a recommended structure with notes on content. The standardized procedure, including the template, is to be used in conjunction with the recommendations on technical guidance for the development of regional environmental management plans in support of the standardized procedure and template. These recommendations provide more detail on the sections of the regional environmental management plan as outlined in the template.

6. The following overarching environmental goal and objectives underline the development, establishment and review of regional environmental management plans with respect to activities in the Area.

(a) Environmental goal

The goal of regional environmental management plans is to protect and conserve biodiversity and ecosystem integrity at a regional scale.

(b) Environmental objectives

Environmental objectives that aid the achievement of the goal are, at a regional scale, to:

- Maintain biodiversity
- Maintain ecosystem structure, function and services (including the structure and integrity of food webs, and elemental cycling and trophic relationships)
- Maintain the representativity of habitats, communities and populations
- Maintain the ability of populations to replace themselves, including ensuring connectivity among populations
- Maintain areas of temporal, including seasonal, use (such as migratory routes and feeding grounds)
- Preserve vulnerable and/or unique ecosystems
- Preserve endemic, endangered or threatened species
- Maintain benthic and pelagic ecosystems, including mid-water fauna

7. Region-specific environmental objectives, if appropriate, will be developed from the above overarching goal and objectives.

8. Regional environmental management plans should contribute, whenever possible, to enhancing cooperation among relevant global, regional, subregional and sectoral bodies in the achievement of the protection and sustainable use of the marine environment.

II. Initiation of the regional environmental management plan development procedure

9. The Council is responsible for the initiation of regional environmental management plans for all mineral resources in the Area where exploration and exploitation are taking place. The Council may request the Commission to develop such plans if it deems them necessary.

10. On receiving such a request from the Council, the Commission will undertake the actions described below to develop such a plan.

III. Development of a regional environmental management plan

A. Planning

11. The Commission should develop and review regional environmental management plans in accordance with its rules of procedure and include them in the programme of work. The programme of work will identify the main tasks to be undertaken, with an indicative timeline. This information should be made available in the reports of the Chair of the Commission.

B. Compilation of available data and information

12. The Commission, with assistance from the secretariat, should ensure that it has access to all available data. These data include:

- (a) Contractor data and information submitted to the Authority that pertain to the region, in accordance with the rules, regulations and procedures of the Authority;²
- (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 and local communities, and any other relevant information on underwater cultural heritage;
- (d) Any other information relevant to the indicative elements for the regional environmental management plan, including other types of marine uses.

13. Such data and information will be disseminated through the regional environmental characterization and the data report, as detailed in the recommendations. Both documents will be made available on the website of the Authority.

² Confidential data and information to be used in accordance with regulation 36 of the regulations on prospecting and exploration for polymetallic nodules in the Area, regulation 38 of the regulations on prospecting and exploration for polymetallic sulphides in the Area, and regulation 38 of regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area.

C. Scientific assessment

14. Experts should be brought together, including through workshops, and selected by the Commission on the basis of an expert and stakeholder mapping exercise, in accordance with the recommendations. For science-focused workshops, the criteria for the selection of experts include:

(a) Scientific knowledge and research experience in the region concerned, ideally with authorship of peer-reviewed reports and publications on deep-sea biology, oceanography, geology, technology and environmental impact assessments related to deep-sea mineral resources;

(b) Access to relevant environmental data, including biological, physical and chemical oceanography, and geological data in the region concerned;

(c) Experience and expertise relating to the spatial planning and scientific design of area-based management tools, such as marine protected areas, as well as non-spatial management measures;

(d) Stakeholders and persons with expertise in, and relevant data for, the area concerned, including traditional knowledge, and representatives of other resource users and coastal States.

15. The convening of experts should be focused on data synthesis and the development of scientific tools and approaches as guided by the Commission. The following objectives will be addressed:

(a) Define the geographical scope of the appropriate regional environmental management plan area, drawing upon information on the geology, biogeography and oceanography of the region and cultural and traditional knowledge, if applicable;

(b) Review, synthesise and analyse environmental data for benthic and pelagic ecosystems, including oceanographic, physiochemical, geological and biological data;

(c) Describe mineral resources and current mineral exploration and/or exploitation activity;

(d) Identify other users and area-based management tools established by competent bodies;

(e) Evaluate effects, including cumulative effects, at the regional scale;

(f) Provide descriptions of areas that could be protected from exploration and 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, where appropriate;

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

(h) Identify knowledge gaps and propose options to address them.

15 bis. Reports on the workshops will reflect any diverging opinions presented by participants at the workshops in order to bring them to the attention of the Commission.

D. Management assessment

16. The results of the scientific assessment will provide inputs for additional expert deliberations focused on translating the scientific assessment into management measures and implementation strategies.

17. Experts will be selected by the Commission on the basis of an expert and stakeholder mapping exercise, in accordance with the recommendations. For management-focused workshops, the criteria for the selection of experts include:

(a) Experience and expertise relating to spatial planning and scientific design of area-based management tools, such as marine protected areas, as well as non-spatial management measures, and environmental knowledge of the region concerned, ideally with authorship of peer-reviewed reports and publications;

(b) Understanding of the Authority's rules, regulations and procedures related to environmental management;

(c) Expertise in competent bodies and in rules, regulations and procedures related to environmental management, including representatives of relevant intergovernmental bodies, where feasible;

(d) Expertise in cumulative or combination impacts and regional-scale environmental assessments;

(e) Stakeholders and persons with expertise in, or knowledge of, the region concerned, including traditional knowledge, and representatives of other resource users and coastal member States.

18. The management-oriented expert deliberations will focus on identifying:

(a) Region-specific objectives to achieve the overarching environmental goals and objectives;

(b) Area-based and other types of management measures to achieve the goals and objectives;

(c) Priorities and a strategy for environmental research and monitoring at the regional scale to assess the effectiveness of the regional environmental management plan, including addressing the information and knowledge gaps identified;

(d) Implementation strategies, including collaboration and cooperation.

E. First draft of the regional environmental management plan

19. The Commission, with assistance from the secretariat, will prepare a draft regional environmental management plan on the basis of available data, the results of the deliberations and other relevant considerations. The content of the regional environmental management plan should follow the template and structure in the annex to the present document.

F. State and stakeholder consultation

20. The secretariat will notify States and make the draft regional environmental management plan publicly available for a minimum of 90 days by placement on the website of the Authority, for the submission of comments by interested parties within this time frame. The regional environmental characterization and the data report will also be made publicly available to support consultation with States and stakeholders.

21. The secretariat will publish any comments received from States and stakeholders on the website of the Authority.

IV. Establishment of a regional environmental management plan

A. Recommendations by the Commission

22. After the closure of the formal State and stakeholder consultation, i.e. after a minimum of 90 days, the Commission must, at its subsequent regular meeting, revise as appropriate the draft regional environmental management plan, taking into account the comments received during the State and stakeholder consultation and any further relevant information. Key elements of the comments and how the Commission addressed them will be explained.

23. The Commission may recommend that the Council adopt the draft regional environmental management plan. The draft regional environmental management plan and the recommendation should be made publicly accessible on the website of the Authority for a minimum of 90 days in advance of the Council meeting during which the plan will be put forward for adoption.

B. Approval of the regional environmental management plan

24. The Council is responsible for the adoption of the regional environmental management plan for the particular region concerned before the Commission considers an application for a plan of work for exploitation.³

25. The Council may approve the draft 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 content, for consideration at a later meeting of the Council.

26. When the Council approves the regional environmental management plan, it will be implemented by the Authority as set out in the plan.

V. Review of the regional environmental management plan

27. Each regional environmental management plan should undergo a review, at the latest every five years after its adoption by the Council, or earlier if suggested by the Commission or requested by the Council. This review will be based, *inter alia*, on newly available data and scientific information and an evaluation of the effectiveness of the measures established to achieve the goals and objectives of the plan:

28. Events that may lead the Commission to conduct, or the Council to request, an earlier review may include:

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

³ This refers to conditions that are applicable to the exploitation phase, for which the draft regulations on exploitation of mineral resources in the Area are still under negotiation. This reference will therefore need to be aligned once the regulations have been adopted.

29. As part of the review of the regional environmental management plan, the Commission will provide to the Council a report that summarizes how new data and information have been considered by the Commission. The report should be made publicly accessible by the secretariat. The Commission may recommend to the Council any updates needed to the plan.

30. The review process follows paragraphs 12, 13 and 20–26 above and, as appropriate, paragraphs 14–19. The extent to which each step in paragraphs 14–19 is performed may be altered as appropriate in proportion to the changes required. Prior to the commencement of the review process, the Commission will decide which steps in those paragraphs are to be performed as part of the review. This decision will be reviewed in light of the input from the stakeholder consultation on the draft revised regional environmental management plan.

31. The Council may decide on the outcome of the review based on the recommendations of the Commission.

Annex

Template

I. Introduction and background

This section sets the scene for the regional environmental management plan, providing the background to the plan in enough detail for a reader to form an overall impression of the scope of the plan.

It should include a short description of the regional environmental management plan, including its overarching environmental goals and objectives, policy, legal and administrative context, a summary of scientific and management expert deliberations and the data report and regional environmental characterization produced, the region covered by the plan and the mineral resources under consideration in the plan.

II. Goals and objectives

Environmental goals and objectives¹ underlie the development, establishment and review of regional environmental management plans in contributing to 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.

This section of the template contains the overarching environmental goal and objectives that should be reproduced as drafted for each regional environmental management plan, as set out in paragraph 6 of the standardized procedure:

(a) Environmental goal

The goal of regional environmental management plans is to protect and conserve biodiversity and ecosystem integrity at a regional scale.

(b) Environmental objectives

Environmental objectives that aid the achievement of the goal are, at a regional scale, to:

- Maintain biodiversity
- Maintain ecosystem structure, function and services (including the structure and integrity of food webs, and elemental cycling and trophic relationships)
- Maintain the representativity of habitats, communities and populations
- Maintain the ability of populations to replace themselves, including ensuring connectivity among populations
- Maintain areas of temporal, including seasonal, use (such as migratory routes and feeding grounds)
- Preserve vulnerable and/or unique ecosystems
- Preserve endemic, endangered or threatened species;
- Maintain benthic and pelagic ecosystems, including mid-water fauna

¹ Here, a goal is considered to be a statement of general direction or intent. Goals are high-level statements of the desired outcomes to be achieved. An objective is considered to be a specific statement of desired outcomes that represent the achievement of a goal.

Region-specific objectives, if appropriate, will be developed from the above overarching environmental goal and objectives. Such region-specific objectives include environmental, cultural and social economic objectives, where applicable.²

III. Geographical scope

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

3.1 Describe the data and information used for developing the definition of the region, including the rationale. This will include summarizing the main data on bathymetry, geomorphology, biogeography and oceanography.

3.2 Provide the geographical coordinates and water depths of the regional environmental management plan region.

3.3 Provide a map that shows:

- Boundaries of the regional environmental management plan in the Area;
- Contract areas and reserved areas.

IV. Regional setting

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

This section will be supported by maps and geographic information system files, including available information on the categories shown below.

4.1 Environmental characteristics

This section summarizes the main characteristics and current management status of the marine environment. It includes descriptions of environmental baseline data and results of data analyses in the region, gathered through the scientific evidence covered in section III of the standardized procedure, and outlined further in the recommendations on technical guidance for the development of regional environmental management plans in support of the standardized procedure and template.

4.1.1 Physiochemical characteristics

This section will cover the main characteristics of meteorology and air quality, physical oceanography and chemical oceanography.

4.1.2 Geological characteristics

This section will include a description of the key geological, geomorphological and topographic structure and seabed substrate characteristics.

4.1.3 Biological characteristics

This section includes information on the pelagic and benthic biological and ecological characteristics of ecosystems in the region and ecosystem linkages.

² This section may need to be revisited once the regulations on exploitation of mineral resources in the Area are finalized.

4.1.4 Natural stressors

This section should include details of any regional-scale natural stressors (e.g. volcanic activity) or naturally occurring extreme events (e.g. underwater landslides).

4.2 Information on human activities in the region

4.2.1 Mineral resource-related activities

Details of mineral resource-related activities should be described. These activities include seabed mineral exploration and exploitation contracts, applications received for approvals of plans of work and other spatial information from contracted areas such as preservation reference zones and impact reference zones in the region.

4.2.2 Other human activities

This section should cover other legitimate marine uses in the region (such as cable installation and operation, fishing and marine scientific research).

4.2.3 Other anthropogenic stressors

Other anthropogenic stressors not described in the preceding sections should be listed and described for the region. Examples include, but are not limited to, climate change (including ocean acidification), pollution, dump sites and illegitimate use of the region (e.g. illegal, unreported and unregulated fishing and piracy).

4.2.4 Cultural heritage and interests

Details should be provided here of any cultural heritage and interests in the region (e.g. shipwrecks, fossils, human remains, navigation routes and features used by Indigenous Peoples and local communities).

4.3 Description of knowledge gaps

While data gaps and uncertainties are described in the regional environment characterization (and also under some of the headings above), it is recommended that a separate summary be included here of the main information gaps and uncertainties (due to data quality or quantity) with regard to environmental information.

4.4 Designations and management systems

This section should include identified descriptions, designations, management systems or standards established by global and regional intergovernmental bodies or agreements, such as:

- Area-based and/or non-spatial management measures adopted by relevant legal instruments and frameworks and relevant global and regional intergovernmental bodies in the region;
- Identified areas of potential or particular ecological interest (e.g. ecologically or biologically significant marine areas or key biodiversity areas).

V. Management measures

This section should include area-based management tools and other management measures to be applied at the regional scale (as well as at the scale of contract areas, if appropriate), based on the management-oriented deliberations of section III of the standardized procedure, the recommendations and the goals and objectives in section II of this template and section I of the standardized procedure). This will include descriptions of key elements and analyses carried out in formulating

management measures (such as an environmental risk assessment or cumulative effects assessment), as well as the management outcomes for the area-based management tools as defined in the recommendations.

5.1 Area-based management

This section describes details of area-based management tools, including those set out below.

5.1.1 Location, coordinates and size of areas and sites of particular environmental interest and other area-based management tools. In addition to descriptive text, maps should be provided.

5.1.2 Reasons for the designation of each area or site of particular environmental interest.

5.1.3 Management measures imposed on mineral resource-related activities by the Authority for each specific area-based management tool.

5.2 Non-spatial management

This section includes any management measures that are not solely area-based. These may include aspects such as requirements for equipment or operations.

5.2.1 Temporal management

This section comprises details of any temporal, including seasonal, measures that should be applied to seabed mineral activities (e.g. to take into account the migration of marine mammals and other megafaunas).

5.2.2 Other management measures, if any.

VI. Regional monitoring

In this section, the strategy for regional research and monitoring is described. This should include:

- A description of the main knowledge gaps in the design of the regional environmental management plan, and priorities identified for environmental research and/or monitoring that will address these gaps;
- Measures for monitoring the state of the environment and/or potential changes in a specific region that can be used to evaluate whether regional management measures are performing effectively in meeting management objectives.

This section provides a description of what is needed for regional monitoring from a scientific and technical perspective, taking into account the overarching goal and objectives of the regional environmental management plan. The implementation of regional monitoring will depend on regional circumstances and available resources. Member States and stakeholders are encouraged to cooperate through the Authority to support regional research and monitoring.

6.1. Knowledge gaps and research priorities

This section should identify the key knowledge gaps in the implementation of the regional environmental management plan and provide information about the priorities for future research to address these knowledge gaps.

6.2. Strategy for regional environmental monitoring

This section should describe measures for monitoring the state of the environment and/or potential changes in a specific region. It will include:

- (a) Identification of monitoring objectives;
- (b) Future research plans covering survey/sampling areas, sampling methodologies and data analyses, to address current data gaps;
- (c) Integration of information from all relevant sources, such as contractors, scientific literature, DeepData, global databases and other relevant information;
- (d) Measures to incentivize marine scientific research through international cooperation;
- (e) Options for collaboration with and between contractors.

6.3. Other aspects

This section should include:

- (a) Measures for capacity-building and training;
- (b) A communication and public information strategy.

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

A regional environmental management plan is not static. It will be reviewed by the Commission, at the latest every five years, focusing on the key elements of the plan, including the environmental setting, the management measures and the knowledge gaps and implementation strategy. The review will be undertaken to determine its suitability or need for amendment. This should include an evaluation of the status of the marine environment in the region, the impact of activities and the relevance and effectiveness of the proposed measures to achieve the goals and objectives, based on the best available data and information and in alignment with the rules, regulations and procedures of the Authority.
