



# „Five Critical Statements“

- A Very Personal View – and NOT by LTC

Christian Reichert

***Workshop  
Towards an ISA Environmental Management Strategy for the Area  
Berlin, Germany  
20 March 2017***



## STATEMENT ONE

**All following statements are made in my own personal capacity**

**There is no authorization by the LTC in no regard**

**- negotiations and discussions within LTC are still in progress**



## **WORK IN PROGRESS**

### **Developing a Regulatory Framework for Mineral Exploration in the Area**

General Provisions

Environmental Matters

Mining Directorate

..... possibly further elongated chapters

**TO BEAR IN MIND: NOTHING IS AGREED UPON UNTIL ALL IS AGREED UPON**



## STATEMENT TWO

The process under development how to assess deep sea mining in terms of environment impacts, and how to decide about approval, change/amendment or rejection is an utmost complicated one that easily leads to misinterpretation or even failures when practicing in the real world

→

A clear glossary and a clear roadmap in terms of content, hierarchy and time line has to be developed, urgently, as one of the very first steps

(serious harm, adaptive management, precautionary approach/principle, EIA, SEIA, environment baseline study and so forth ....)



### STATEMENT THREE

The Manganese Nodule Belt (CCZ) - as an example - stretches over a large region wherof only limited areas are under contract or protected as APEIs. However, biological living systems do not care about arbitrary boundaries.

→

Huge research efforts have to be made in the APEIs and in the interstices between contracted areas and the APEIs

Strong cooperation between the stakeholders is highly recommended



## STATEMENT FOUR (contactor's workshop July 2016)

Before commencing the full production phase the following requirements have to be fulfilled for the benefit of the regulator and the entrepreneur as well :

- proof of full technical feasibility (fully fledged pilot mining test, later production test)
- complete business/financial models taking into account the entire value adding chain
- comprehensive risk models including technical, environmental (liability) and economic/financial risks

→

Demonstration project is urgently needed

Also here far reaching cooperation between the stakeholders is highly recommended.

Example: in the oil and gas industry there is almost no pioneer project that is not based on a consortium of firms sharing equally the risks and the benefits

Time perspective from PMT preparation with the regulator and the final conclusion is some three to five years!!!!



## STATEMENT FIVE

### **Developing a Regulatory Framework for Mineral Exploration in the Area**

A Discussion Paper on the development and drafting of Regulations on Exploitation For Mineral Resources in the Area (Environmental Matters)

Section I: BACKGROUND.....

13.

Review of this working document and working draft Environmental Regulations

13.1

It would be helpful to the Authority, in due course, for any reader / reviewer of this Discussion paper and tentative working draft, that the following questions be considered:

i. does the working draft follow a logical flow to the development of environmental assessment and management in the Area



- ii. aside from specific drafting style and language (draft regulations will be presented to expert legislative draftsmen in due course), are the draft regulations clear and concise as to their intended need and requirement?
- iii. Do any draft regulations appear superfluous or adding little value?
- iv. are the draft regulations within the legal parameters and authority of the Convention and the Agreement?
- v. is the structure and content of the working draft adequate / fit for purpose?
- vi. does the working draft (albeit incomplete in parts) achieve a “good” balance between being necessarily prescriptive but not overly prescriptive? That is, what level or detail of prescription is required at this stage?



vii. from a technical viewpoint, are the obligations realistic and achievable?

viii. from an economic / financial perspective, what are the implications for applicants / Contractors and the regulatory structure

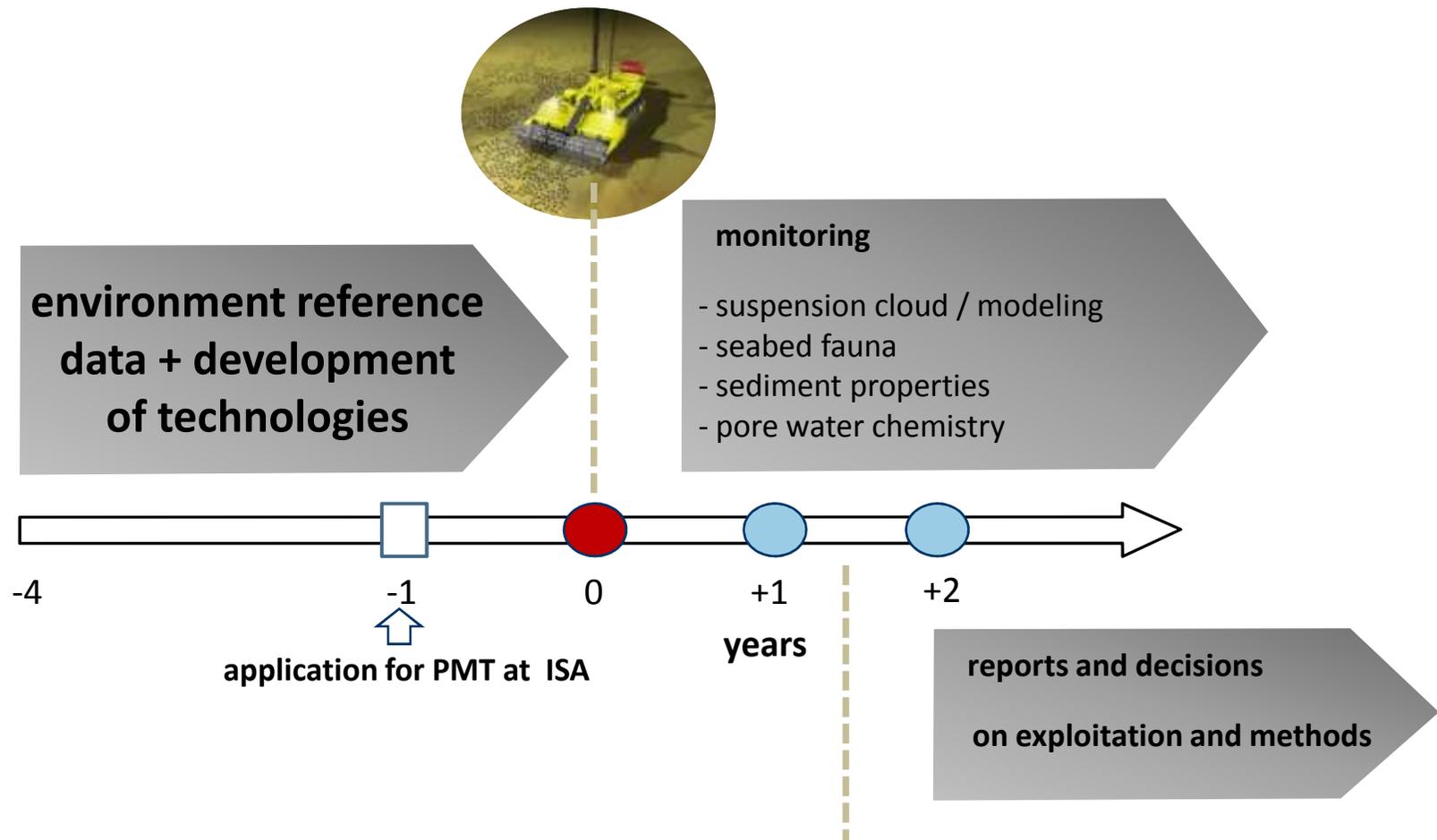
ix. Whereas a detailed discussion over definitional content will be needed, at this stage of drafting, what other definitions could be relevant? Or are there too many definitions?

x. is it sufficiently clear that the appropriate onus / burden of proof under these regulations in terms of risk assessment and management remains with the applicant as the proponent of exploitation activities?

# Pilot mining test (PMT)



## time line model





Thank you very much for your attention!