



Council

Distr.: General
10 August 2022

Original: English

Twenty-seventh session

Council session, part II

Kingston, 18–29 July 2022

Agenda item 14

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;

(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 high-level action plan ([ISBA/25/A/15](#), annex II, and [ISBA/25/A/15/Corr.1](#)), as adopted by the Assembly.



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

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.

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

² See ISBA/22/LTC/12 and ISBA/26/C/43.

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.

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.

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

I. Introduction

1. Regional environmental management plans should 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:

(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;

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

3. 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)).

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 activities 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 be in place before any exploitation contracts are signed.

III. Development of a regional environmental management plan

A. Workplan for regional environmental management plans

7. The Commission 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 and the secretariat and 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, 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, 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.

D. Scientific assessment

11. One or more workshops may be convened to bring together experts. Such workshops, organized 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.

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.

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 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. 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.

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.

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.

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.

II. Guiding principles

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.

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).

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.

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.

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.

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.

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.
