



IASS · Berliner Str. 130 · 14467 Potsdam · Germany

**Rear Admiral (Retd.) Md. Khurshed Alam**  
President of the 26th Session of the Council of the  
International Seabed Authority

(Via e-mail: [Council2020@isa.org.jm](mailto:Council2020@isa.org.jm))

Potsdam, 3 December 2020.

**Exchange of views relating to an application for approval of a plan of work for exploration by Blue Minerals Jamaica Ltd – Written Statement from the Institute for Advanced Sustainability Studies (IASS).**

Dear Sir,

We respectfully refer to the above and to your letter dated 27 November 2020 in relation to the application for an exploration contract by Blue Minerals Jamaica Ltd., sponsored by Jamaica. As an Observer member of the Authority, the Institute for Advanced Sustainability Studies (IASS) warmly welcomes your initiative to allow for an exchange of views regarding the application. We would like to raise the following three points. We consent for this letter to be published on the Authority's website.

1. The **silence procedure** was suggested by the Acting President of the Council, in her letter from [21 September 2020](#), for procedural matters only. It is our understanding that other matters, in particular, matters of a substantive nature and matters that usually benefit from a debate in an open session of the Council, ought to be deferred until an in-person meeting of the Council is again possible. As the consideration of an application for exploration is a substantive matter and not one that is time-sensitive, we believe it is not suitable to be dealt with under the silence procedure. Consequently, we would very much welcome for the consideration of this or any possible future applications to be deferred until the next in-person meeting of the Council, to allow for a proper discussion of the matter.
2. In addition, we wish to inform you that your letter from 27 November 2020 was neither brought to the attention of all Observer members via the mailing lists maintained by the Secretariat, nor was it (at the time of writing this letter) posted on the website of the Authority ([www.isa.org.jm/node/19713](http://www.isa.org.jm/node/19713)) for public information and access. It is not known if members of the Authority that are not represented in the Council have access to this letter. As a result, the exchange of views that you envision may **lack input from a diverse range of stakeholders**. In this respect,

we would request for the consideration of this matter to be postponed until such time in future, to allow time for your letter to be circulated to all relevant stakeholders and for written statements to be prepared and submitted to the Authority.

3. Turning now to the matter at hand, while we do not have any fundamental reservations to the application for an exploration contract by Blue Minerals Jamaica Ltd., we wish to make two general comments:
  - a. We are of the view that the **available information about the applicant** (as seen in [ISBA/26/LTC/4](#) and [ISBA/26/C/22](#)) is not sufficient for the Council to make an informed decision about the application. In particular, further information would be needed regarding the applicant and its management structure, its financial and technical capabilities (in particular through the 'multinational enterprise' that is set to become the 'operational partner' of the applicant), and on the eligibility of applicant to be sponsored by Jamaica. We note that the relevant Exploration Regulations ([ISBA/19/C/17](#)) require applications to provide sufficient information on these matters. We also note that the recommendations by the Legal and Technical Commission ("LTC") do not provide any information on whether Jamaica, as the sponsoring State, has enacted national legislation in relation to activities in the Area. We believe that such information would be necessary in order to enable the Council to arrive at an informed and considered decision on the application.
  - b. The proposed **exploration sites are fragmented**. The application proposes to explore four separate blocks of reserved areas in the Clarion-Clipperton Fracture Zone (see paragraphs 15-17 and Annexes I-II of [ISBA/26/C/22](#)). We note that two of the blocks are particularly small (being only 9,482 km<sup>2</sup> and 3,617 km<sup>2</sup> respectively). The small size and irregular shapes of some of these blocks raise questions as to whether the applicant will be able to comply with all environmental obligations. Specifically, it may be questioned whether the blocks are large enough to accommodate a Preservation Reference Zone (PRZ) that will remain unaffected by the impacts of test mining operations during the exploration stage and future mineral exploitation. Without a functional PRZ as a control area, effective monitoring and environmental assessments will become near impossible. Furthermore, the creation of small and irregular contract blocks would make it difficult to ensure that the harmful effects arising from activities in the Area, such as pollution, are strictly confined to the respective contract areas.

Of course, we fully acknowledge that both of these considerations are not unique to the application by Blue Minerals Jamaica Ltd. Indeed, we recognize that LTC recommendations in relation to applications for plans of work for exploration have on several occasions in the past provided very little information. Nevertheless, in those instances, there was always the opportunity to raise any concerns when the matter is debated during the open meetings of the Council. In any case, we would welcome any initiative by the Council to provide more guidance to the LTC in respect to the types and levels of details that should feature in future recommendations, in order to enable the Council to arrive at an informed and considered decision.



Likewise, we note that this application is merely the latest in a series of applications with small exploration sub-areas. As such, we suggest for the Council to add the topic of "criteria for site selection of exploration areas" to the agenda of the next in-person Council meeting, with a view to guiding future applicants and the LTC on criteria for the appropriate size and shape of exploration contract areas and sub-areas. This could equally include discussions about ensuring that exploration areas after relinquishment remain large enough to enable contractors to meet all environmental obligations, and to demonstrate this through monitoring. Such a discussion would contribute to the implementation of Regulation 31(6) of the relevant Exploration Regulations ([ISBA/19/C/17](#)) regarding the '*establishment and implementation of programmes for monitoring and evaluating the impacts of deep seabed mining on the marine environment*', which, when required by the Council, '*shall include proposals for areas to be set aside and used exclusively as impact reference zones and preservation reference zones.*'

We thank you once again, Mr. President, for according us with the opportunity to provide written statements to enable an exchange of views relating to the present application for approval of a plan of work by Blue Minerals Jamaica Ltd.

Yours sincerely

A handwritten signature in black ink that reads "Sebastian Unger". The signature is written in a cursive, flowing style.

Sebastian Unger

Research Group Leader, Ocean Governance

Institute for Advanced Sustainability Studies e.V. (IASS)