

Submission from the Government of Japan
on Draft Standards and Guidelines to Support the Implementation of
the Draft Regulations for Exploitation of Mineral Resources in the Area

July 2021

Japan appreciates the opportunity to provide written comments on draft standards and guidelines issued on April 8, 2021, to support the implementation of the Draft Regulations for Exploitation of Mineral Resources in the Area (hereinafter referred to as Exploitation Regulations). Accordingly, Japan provides the following general comments on the development of the standards and guidelines.

Verifying Consistency between Associated Documents

The draft standards and guidelines had been developed in parallel with the formulation of the Exploitation Regulations. However, since they are closely connected, there should be no inconsistency between them. Therefore, stakeholders should be given an opportunity - sufficient time - to adequately verify the consistency and the overall balance of rights and obligations contained in the Exploitation Regulations and the subsidiary documents (standards and guidelines) as a package before their adoption. Further, it is recommended to make relevancy among these documents easily grasped by using graphic illustration or any other means so that stakeholders can see the wholistic picture of the associated documents.

Addressing Redundancy Protocol

Some description in Annex IV (Environmental Impact Statement) of the Exploitation Regulations overlaps with that of the draft Guidelines for environmental impact assessment to a great degree. Thus, for example, the description of the environmental impact assessment process and the guidance for an applicant and Contractor could be explained in detail within the Guidelines, while Annex IV of the Exploitation Regulations could contain minimum relevant information given the nature of the Annex and Guidelines.

Standardizing Terminologies and Thresholds

There may be different understandings among many stakeholders with regard to the terms used under the several Guidelines such as "Good Industry Practice," "Best Available Scientific Evidence," "Best Available Techniques," and "Best Environmental Practices." Therefore, it is essential to identify the common understanding and clear

meaning of those techniques, required specifications of equipment and practices in the relevant Guidelines, which should be developed taking into account the views of relevant stakeholders.

As for the exploitation of polymetallic nodules, it may not be feasible to establish thresholds quantitatively at this point in time where challenges towards technologies for collecting and lifting the nodules, as well as the uncertainty of cohesive measures for the protection of the marine environment, still exist. However, it is desirable that relevant thresholds for discharging of return-water (the water after extracting the nodules), i.e. depth to be discharged, be established by the ISA in the foreseeable future in light of geographical characteristics and marine environment of a planned mining area as well as its surroundings with a better understanding of marine environment along with further technical development for the nodules.

Taking Advantage of New Knowledge and Practices

New literature and rules relevant to and useful for activities in the Area, will emerge with the advancement of the activities. Accordingly, the standards and guidelines should be subject to review and update from time to time as necessary in order to take advantage of new knowledge and practices from the literature and rules in accordance with the Draft Regulation 94 (4) (Standards ... may be revised at least every five years from the date of their adoption or revision, and in the light of improved knowledge or technology) and the Draft Regulation 95 (3) (The Commission or the Secretary-General shall keep under review such Guidelines in the light of improved knowledge or information.), respectively.

Application to Other Mineral Types

Japan understands that the draft Guidelines for the establishment of baseline environmental data focus primarily on polymetallic nodules, as described in paragraph 2. In this regard, Japan would like to know if and when the other pertinent guideline(s) for polymetallic sulphides and cobalt-rich ferromanganese crusts will be developed.

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