



Legal and Technical Commission

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Report on the International Workshop on Environmental Management Needs for Exploration and Exploitation of Deep Sea Minerals

Note by the Secretariat

1. The International Seabed Authority, in collaboration with the Government of Fiji and the Applied Geoscience and Technology Division of the Secretariat of the Pacific Community, held a workshop on environmental management needs for exploration and exploitation of deep sea minerals, in Nadi, Fiji, from 29 November to 2 December 2011. This initiative reflected the increasing interest in and associated concerns about the potential environmental impacts of deep sea minerals exploration and mining and how competent authorities at the national and international level will regulate this emerging economic development opportunity in a sustainable manner in areas within and beyond national jurisdiction. The workshop was organized to raise awareness of the nature of the mineral resources found in the seabed in the Area and on the outer continental shelf. Another objective of the meeting was to assess the measures taken by the Authority with respect to the protection of the marine environment from the harmful effects of deep seabed mining and the applicability of such measures to the development of marine minerals in areas within national jurisdiction. The outputs from the workshop included a draft template for an environmental impact assessment of seabed mining; an outline of the legislative and regulatory provisions that should form the basis of environmental management of deep seabed mining; and the identification of capacity-building needs and methods by which those needs could be addressed.

2. The workshop was attended by 79 participants from 18 countries and involved a series of presentations, available on the Authority's website (www.isa.org.jm), followed by discussions in three working groups to address specific topics.

3. The first working group was tasked with preparing an environmental impact assessment template that could be used in the first instance by exploration contractors when carrying out activities requiring such an assessment, while ensuring that the template was broad enough to be applicable to the exploitation phase of deep seabed mining. The template was also designed to provide assistance



to developing States when preparing their own regulatory regimes for seabed activities within national jurisdiction, including but not restricted to seabed mineral exploration and exploitation. While not conclusive, it is designed to stand as a template that can be adapted as appropriate depending on the situation.

4. The second working group addressed the legislative and regulatory provisions that should form the basis of environmental management of deep seabed mining activities in areas within and beyond international jurisdiction. While the international legislative regime for mineral exploration beyond national jurisdiction is well established through the activities of the Authority, work is only just beginning on the development of regulations addressing exploitation. To date, there have been no precedents for national legislation to govern the relationship between sponsoring States and sponsored contractors in the Area, despite such legislation being a requirement of sponsoring States that was highlighted by the advisory opinion issued in February 2011 by the Seabed Disputes Chamber of the International Tribunal on the Law of the Sea. There has also recently been increased interest in marine mineral exploitation within the national jurisdiction of various countries, particularly among Pacific island countries that had expressed a need to develop national regulatory frameworks for this purpose. The working group decided that it was not appropriate to draft a detailed legislative model for the regulation of deep seabed mining but that it would be more helpful to identify key legislation and international obligations that should be considered by States when discussing both the development of the exploitation code for minerals beyond national jurisdiction and their national legislation.

5. The third working group focused on identifying the capacity-building needs associated with seabed mining, particularly those related to environmental impact assessment. The group noted that the current level of technical, human and financial capacity impinged upon the ability of developing countries to engage in seabed mining and evaluate the potential impact of such activities, both within national jurisdiction and in the Area. The working group identified a series of activities that could help to address the capacity-building requirements of developing States.

6. The full workshop report is published as International Seabed Authority Technical Study No. 10. The workshop report contains a template for an environmental impact assessment, a list of legal issues to consider when preparing the environmental aspects of an exploitation code and the capacity-building needs that should be addressed.

7. The Legal and Technical Commission is invited to take note of the workshop report and provide any comments on the recommendations of the working groups and how those recommendations may feed into the future activities of the Legal and Technical Commission and the Council.
