The International Marine Minerals Society (IMMS) and its Code for environmental management of marine mining was the highlight of a presentation on Wednesday, 28 April 2010 during the Sixteenth session of the International Seabed Authority meeting in Kingston.

The presentation was delivered by Dr. Philomene A. Verlaan, oceanographer and attorney-at-law specializing in law of the sea, with emphasis on marine scientific research, marine mining and sustainable use of the marine environment and its resources. In addition to her marine scientific research, Dr. Verlaan, an Executive Board Member of the Society, has managed international marine projects based in India, Kenya, Samoa and Thailand.

The objective of the IMMS Code is “to anticipate and integrate environmental considerations for responsible marine mining in adaptive guidelines that are responsive to experience with their implementation, improvements in best environmental practices, technological developments and regulatory changes”.

The Code is intended to serve marine mining companies, governments, local communities and stakeholders, intergovernmental and non-governmental organizations and other groups with an interest in research, exploration, and/or marine mining activities. It does not prescribe specific practices. Instead, it sets a framework and benchmarks, in the context of shared values in marine mineral exploration and environmental management. It complements binding national and international regulations that exist for the protection of the marine environment, and provides guidelines for marine mining companies where these regulations are absent or could be improved upon.

The IMMS Code is the only international instrument designed specifically to guide environmentally responsible deep sea mining. Likely to serve as an example when legally binding legislation is introduced, the Code is being followed with great interest by, and has received input from the Authority. It is an initiative from industry to anticipate and integrate environmental issues, improve regulatory predictability and minimize risk, as well as set high environmental standards.

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The Code is now under review by the Society, in consultation with the marine mining industry and other stake holders in marine operations. Founded in 1987, the International Marine Minerals Society has a worldwide membership of individuals from industry, national and international governmental and non-governmental organizations and academia.

Dr. Verlaan said the International Seabed Authority and the Society had a unique opportunity to put complementary environmental requirements in place for the full mining cycle –prospecting to exploitation to decommissioning and rehabilitation. The Authority’s input to the Society’s mining code would enhance complementarity when the Authority’s Legal and Technical Commission begins work on exploitation regulations.

She drew contrasts between the Society’s Code and the draft regulations on sulphides and crusts being drawn up by the Authority. The distinction between prospecting and exploration in the regulations was not in the Code. Decommissioning and rehabilitation maintained in the Code were not in the regulations’ definition of exploitation. The precautionary approach was defined differently in the Code and the Authority’s draft regulations.

Furthermore, the mining Code distinguished between proprietary and non-proprietary environmental data for confidentiality. There was also no sunset clause. The mining Code did not include archaeological and historical objects as provided for in the draft regulations, but covered cultural values and interests. Archaeological and historical objects will be added to the Code.

Continuing, she said the Code did not address the issue of liability currently under discussion in the Council. The code and the draft sulphides and crust Regulations were more complementary with each other than with the nodule regulations already adopted by the Authority, due to the crust and sulphides regulations being more recent and able to reflect the latest technical and scientific developments.

Overall, there were more similarities than contrasts between the Code and the Regulations – “a good evidence of shared values”.

Dr. Verlaan was introduced by Ambassador Yvonne Gittens-Joseph, Permanent Representative of Trinidad and Tobago to the Authority and a Vice President of the Assembly, on behalf of Ambassador Jesus Silva-Fernandez, President of the Assembly. Ambassador Gittens-Joseph who is also her country’s High Commissioner to Jamaica, said Dr. Verlaan had participated in the development and implementation of marine environmental treaties. In the latter capacity, Dr Verlaan currently represents International Union for Conservation of Nature at the meetings of the parties to the London Convention and Protocol.

Dr. Verlaan said she made a presentation to the Legal and Technical Commission on Monday 26 April on the Authority’s draft regulations and the mining code. Comments by the Commission included joint funding of environmental compliance activities and environmental disaster costs, such as, for example, funds for ship-source oil pollution under International Maritime Organization auspices. Other comments covered existence and source of external auditing standards and mechanisms and funding for stakeholder consultations, cost and feasibility of environmental rehabilitation after mining ends.

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Following the presentation, questions and comments were invited from the floor with a number of delegations declaring that they had no knowledge of the existence of the IMMS Code before reading the document (ISBA/16/LTC/2) was prepared for the Secretariat by Dr Verlaan.

The representative of India expressed concern that the Code seemed to apply guidelines to all minerals and resources in a general way. He said that different resources required different guidelines. In response, Dr. Verlaan explained that rather than providing specific practices, the Code set out principles for responsible environmental management that was written in general terms precisely so that they could be universally applicable to all resources. She acknowledged that in drafting its regulations, the Authority operated at a much higher level of resource specificity.

The representative from the Netherlands asked whether the Code could be considered as functioning like a Code of Conduct with benchmarks for performance and Dr. Verlaan said that was precisely its purpose, to set standards against which company performance can be measured. The representative from Trinidad and Tobago suggested that the Code could be useful when the Authority begins work on Exploitation Regulations. Dr. Verlaan agreed that it was the Society’s hope that the Authority will find the Code useful for future work. The Code is designed to complement and improve existing, and supplement incomplete or absent, environmental regulations.

Dr. Verlaan further suggested that the IMMS Code was an adaptable document that could be enhanced by drawing on the Authority’s regulations on polymetallic sulphides and crusts which were now coming close to being adopted.

She concluded by expressing the hope that the cooperation between the International Seabed Authority and the Society on achieving inter-jurisdictional complementarity could continue.

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