SEABED COUNCIL BEGINS DISCUSSIONS ON PROPOSALS FOR ENVIRONMENTAL MANAGEMENT PLAN FOR CLARION-CLIPPERTON ZONE

- Resumes debate on cobalt-crusts regulations

The Seabed Council this morning began discussions on a proposal for an environmental management plan for the Clarion-Clipperton Zone (CCZ) which was embodied in the summary report of the Legal and Technical Commission in the form of a draft decision (ISBA/17/C/13 Annex II).

Resuming its examination of draft regulations on cobalt-rich ferromanganese crusts, the Council adopted all but five regulations.

By the draft decision on the CCZ environmental management plan, the Council would welcome the Commission’s recommendation on the plan (document ISBA/17/LTC/7) to be implemented over an initial three-year period, which includes the designation, on a provisional basis, of a network of nine areas of particular environmental interest, and gives effect to the precautionary approach called for by the Regulations.

Environmental Management Plan for Clarion-Clipperton Zone

The Legal and Technical Commission states in its report on the subject that the proposed plan was consistent with the obligations, responsibilities, rules, regulations and procedures formulated in the United Nations Convention on the Law of the Sea and its associated Agreements and regulations.

The guiding principles of the plan included the concept of the common heritage of mankind; precautionary approach; protection and preservation of the marine environment; prior environmental impact assessment; and conservation and sustainable use of biodiversity. The vision of the International Seabed Authority is of a sustainably exploited Clarion-Clipperton Zone that preserves representative and unique marine habitats and species, the Commission states. It adds that the zone incorporates a series of areas that have been assigned for exploration and prospecting rights for polymetallic nodules.
Developed at a 2007 workshop, the plan is based on widely applied principles for the design of marine protected area networks, and includes an element to protect 30 to 50 per cent of the total management area. It adopts a holistic approach to the environmental management of the zone in its entirety, including where appropriate, consideration of cumulative impacts, incorporating environmental risk assessments of new and developing technologies, while due consideration is given to relevant global initiatives and new legislation.

The goals of the plan include facilitation of exploitation of seabed mineral resources in an environmentally responsible manner, consistent with the legal framework and environmental guidelines of the Authority for managing deep-sea nodule mining and protecting deep-sea environment. It also aims to contribute to the achievement of the management goals and targets set forth in the Plan of Implementation of the World Summit on Sustainable Development.

**Discussion of the Clarion-Clipperton Zone plan**

Mexico began the discussion by suggesting three amendments:. The first involved adding a new preambular paragraph as follows:

"Conscious of the work of the United Nations General Assembly Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction,

The Mexican representative noted that this addition would be in keeping with the position expressed in paragraph 35 of the Legal and Technical Commission report to the Council (ISBA/17/C/13).

In the last preambular paragraph of the draft decision, Mexico proposed deleting the words “…in areas beyond national jurisdiction…” and inserting “…in that part of the Area known as the Clarion-Clipperton Zone”.

Finally, in paragraph 7 of the draft decision, “effective” would be inserted in the last line to read “……and the effective dissemination of the results of such research through the Authority.”

China expressed the view that the adoption of a decision on the environmental management plan would be premature. The representative said that his delegation had not anticipated discussions of the subject, having only received the proposed plan upon arrival in Kingston. Furthermore, his delegation was of the view that the Authority still lacked sufficient knowledge on biodiversity and other scientific data related to the Clarion-Clipperton Zone (CCZ). He proposed postponing the decision on the plan until the next session.

Brazil shared some of China’s concerns, arguing that the scientific basis for the conceptualization of the plan was insufficient and it was not clear how special environmental areas were defined. The representative said the Council needed time to study the plan in detail before adopting a decision. The Russian Federation supported this position.

Trinidad and Tobago argued that the lack of sufficient scientific data was precisely the kind of circumstance that called for the application of the precautionary principle in order to protect the marine environment. Canada supported this line of reasoning and added that in view of the increasing number of applications for exploration, “environmental protection was no longer an academic issue” for that area.
Several delegations took the floor to urge the Council to move forward to the adoption of the decision. Argentina and the United Kingdom supported Trinidad and Tobago’s citation of the precautionary approach. The Netherlands welcomed the proposed plan and said it showed the proactive approach of the Authority in protecting the marine environment. Australia pointed out that the draft decision allowed for “flexible revision as additional data comes to light.” France said it was time to “take this decisive step towards environmental protection.” Germany and Japan also expressed readiness to move towards adoption of the draft decision.

At the suggestion of the President, Andrzej Przybycin (Poland), the Council decided to suspend discussion of the environmental management plan to allow time for Mexico’s proposal to be circulated in writing to all members, and to resume the discussion this afternoon.

The Council then resumed debate on the draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area. Council members worked with the document (ISBA/17/C/CRP.1/Rev.1) containing revisions made by the Legal and Technical Commission at the request of Council. The text aligned the current draft with the Regulations on Prospecting and Exploration for Polymetallic Sulphides in the Area that was approved by the Assembly at the sixteenth session in 2010.

Summarizing the discussions so far this session, Legal Secretary Michael Lodge noted that following the debate on the proposal put forward by China relating to provisions (Regulations 12 and 27) which deal with the total area covered by applications and the schedule of relinquishment, the Council had agreed to start a review of the entire draft regulations. Revisions had been made to the Preamble and Regulation 1, and delegations had proposed language adjustments to Regulations 2 and 5.

This morning South Africa withdrew its proposal to delete the word “reasonably” in the paragraph of Regulation 5 that deals with the protection and preservation of the marine environment during prospecting. Bangladesh, responding to an earlier debate, said reference to the precautionary approach should remain in Regulation 2 as it was the language recognized in the commercial sector.

Guided by the President, the Council decided to adopt the remaining Regulations, except 11, 12, 21, 23, and 27.

Taking up the discussion on Regulation 11 dealing with certificates of sponsorship which must accompany applications for plans of work, South Africa proposed an amendment which involved adding a sub-paragraph 3(g) requiring Sponsoring States to provide a declaration “specifying the existence of laws necessary to ensure compliance with these Regulations.”

Referring to paragraph 2 of the same Regulation, which deals with the issue of “effective control” over an applicant, the Netherlands suggested that in light of the discussions which took place yesterday on Tonga’s application for a plan of work, it was important that the Legal and Technical Commission review the Regulation’s interpretation. That would facilitate the elaboration of an “authoritative interpretation” of the term. This idea drew support from Germany.

China reminded the Council that its proposal concerning Regulation 12 (Total area covered by the application) was still on the table for discussion. The Russian Federation suggested that Regulation 21 (Fee for application) should be discussed with Regulation 12 due to their similarity.
South Africa proposed adding a new sub-paragraph 4bis to Regulation 23 (Consideration by the Legal and Technical Commission), stipulating that the Legal and Technical Commission would determine if the sponsoring State had “laws sufficient to ensure compliance with these Regulations by the contractor.” He also suggested an amendment to paragraph 5 of this regulation, to read as follows:

“5. If the Commission makes the determinations specified in paragraph 3, and determines that the proposed plan of work for exploration meets the requirements of paragraph 4, and determines that there are laws sufficient to ensure compliance with these regulations in accordance with paragraph 4bis, the Commission shall recommend approval of the plan of work for exploration to the Council”.

Regulation 37, which deals with human remains and objects and sites of an archaeological or historical nature, was adopted with a Philippines amendment to add the word “immediately” in the second sentence to indicate the urgency with which the Secretary-General should transmit information to the Director-General of UNESCO and any other compliant international organization.

The Russian Federation proposed a drafting amendment to paragraph 19 (a) Annex 2, and sub paragraphs (c) and (d) of paragraph 19 (b) (i) of Annex 2, because as worded the provision applied to sulphides.

The Council will meet this afternoon to hear the report of the Finance Committee and resume its consideration of the draft regulations on cobalt-rich ferromanganese crusts.

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