The Council of the International Seabed Authority, meeting in Kingston this morning delayed approval of the applications of six entities for the extension of their five-year contracts with the Authority for exploration for polymetallic nodules in the deep seabed Area. The delay was to allow a rewording of the decision of Council to include a paragraph indicating contractors’ obligation during the extension period and their readiness to proceed to exploitation after the five-year period expired.

Also this morning, the Council approved a plan of work for exploration for cobalt-rich ferromanganese crusts by the Government of the Republic of Korea making that country one of only three members of the Authority that would have exploration contracts for all three deep seabed mineral resources.

At the beginning of this morning’s meeting, the Council President, Mariusz Jędrysek, paid tribute to Nelson Mandela on the occasion of the anniversary of his birth.

The President then introduced agenda item 12, on the recommendations of the Legal and Technical Commission (LTC) relating to the applications for extension of contracts for exploration (ISBA/22/C/11-16) and the draft decisions pertaining to recommendations for their approval (ISBA/22/C/L.1-9). He then opened the floor for discussion.

Brazil maintained that the rewording was necessary in the draft decision on the extensions to ensure that contractors would be ready to proceed to exploitation at the end of five years. There should be new elements (different from previous years) in the plans of work that would give a clear view that the contractors were working hard to proceed to exploitation stage.

Cameroon referred to paragraph 15 of the Commission’s report (ISBA/C/22/17) which affirmed that the information provided by the applicants were deemed sufficient by the Commission; and paragraph 16 in which the Commission recommended that the applicants
“should be ready to proceed to exploitation at the end of the five-year extension period.” The representative also recalled last year’s decision of the Council on the matter of extensions (ISBA/22/C/19*). Appendix 1 of that document dealt with information to be contained in an application for extension of a contract for exploration, and paragraph 1c) called specifically for:

A description and a schedule of the proposed exploration programme during the extension period, including a detailed programme of activities, showing any proposed modifications or additions to the approved plan of work for exploration under the contract, and a statement that during the extension period the Contractor will complete the necessary preparatory work for proceeding to the exploitation stage.

South Africa echoed the words of Brazil, saying that it was important to make sure that the proposed draft decision was in line with what was stipulated last year. Kenya also agreed that clearer language should be found. Chile suggested that members of the Council needed more time to study the recommendations of the Commission and to allow experts in their respective countries to examine them before deciding whether to accept them.

Asked by the President to respond to the comments by Council members, the Chairman of the Commission referred to his report presented to the Council on Friday, July 15, which stated that it had checked to ensure that applications for extension were in compliance with the stipulations set out by the Council. It was after lengthy examination and discussions, he said, that the Commission had decided to recommend to the Council to approve the applications.

In response to the point made by Chile, the LTC Chairman said that sending all the relevant documents to respective government experts would be time-consuming and would prevent the Council from making a final decision during the current session, which would in turn delay the work of the contractors and affect scheduled training programmes.

For a consensus to be reached on the text, Cameroon suggested that the draft decision could include a paragraph to reflect the words of paragraph 16 in the Commission’s report. Brazil and Chile agreed on the value of amending the text.

The Legal Counsel also agreed that that course of action might be a wise solution and suggested that the Secretary-General be requested to report back to the Council on the conclusion of the extension agreement with each contractor so that the Council would have more information.

The President requested the Legal Counsel to work with delegations to develop a new text to be included in the draft decision. The Council, he said, would return to the discussion of the item at this afternoon’s meeting.

The President then turned the attention of the Council to agenda item 11, “Application for approval of plan of work for exploration for cobalt-rich ferromanganese crusts by the Republic of Korea”, originally scheduled for discussion during the afternoon meeting.
The draft decision contained in ISBA/22/C/L.3 was adopted by the Council without discussion.

The representative of the Republic of Korea expressed appreciation on behalf of his government for the Council’s support of its application. He noted that his country was the third to have contracts for all three deep seabed minerals: polymetallic nodules, polymetallic sulphides and cobalt-rich ferromanganese crusts. He assured the Council that his country would comply with all its obligations as mandated by the Convention.

The Council then took up its consideration of the draft regulations for exploitation of mineral resources in the Area (agenda item 13) with Cameroon, Singapore, Norway, United Kingdom, China, Netherlands, Uganda, France and a number of observers contributing to the initial discussions.

Council members’ contributions followed the report of the Chair of the Legal and Technical Commission on its work in 2016 in which the priority deliverables proposed at the twenty-first session in 2015 were discussed and an updated indicative work programme was provided as an annex to the report (ISBA/22/C/17).

Cameroon encouraged the Council and the Commission to move to complete the difficult endeavour of developing a full regulatory framework in three to five years when the exploitation phase of deep seabed mining was scheduled to commence. The delegate said the LTC must move forward on a timeline for an exploitation code based on three pillars: fiscal management, appropriate technology and protection of mankind’s cultural space. Cameroon said that in drafting the regulations the LTC must ensure that the best technological standards were applied in keeping with Goal 14 of the United Nations Sustainable Development Goals entitled: “Conserve and sustainably use the oceans, seas and marine resources”.

Singapore and Norway supported the view of the Commission that the “building block” approach being taken by the Authority to tackle the new regulations was the best but said clear time lines must be established in order to meet targets. Singapore recommended that strong environmental regulations be included in the exploitation code. The delegation broadly agreed with the “building block approach”

The United Kingdom’s representative welcomed the circulation of a working draft of the exploitation regulations which, he said, should be reviewed and commented on by members of the Authority by November in time for the next meeting of the LTC in February 2017. China cautioned against hasty drafting of an important set of code that should be in the best interest of mankind.

The Netherlands delegation agreed with Cameroon on two to three years’ time lines for the drafting of the regulations. Netherlands felt 2018 was a good target for completion of the draft regulations by the LTC which would allow the Council two sessions to consider the draft within the five-year time frame.
Greenpeace International, the International Union for Conservation of Nature (IUCN) and Deep Sea Conservation Coalition observers supported the view of Singapore that both exploitation and environmental regulations should be developed in tandem. Greenpeace suggested that a number of important entry points in the Working Draft, including the environmental impact assessments might have to be modified by the environmental regulations. It was the view of the Inter Ocean Metal Joint Organization observer that risk assessment and environmental regulations in the exploitation code, to be effective, required at least some prior collector tests or pilot mining, carried out together with the monitoring of environmental indicators and conditions.

When the Council resumes this afternoon it will have proposed revisions to the draft decision covering all six applications for extension of contracts for exploration of polymetallic nodules contained in documents ISBA/22/C/L.4 – ISBA/22/C/L.9. The Council is also expected to take up agenda item 17, election of members of the Legal and Technical Commission.

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