

14 May 2015

Report to Stakeholders (ISBA/Cons/2015/1)  
International Seabed Authority  
14-20 Port Royal Street  
Kingston  
Jamaica

Via e-mail: [consultation@isa.org.jm](mailto:consultation@isa.org.jm)

Dear Sir/Madam,

### **Comments on the Draft Framework for the Regulation of Exploitation Activities**

It is my pleasure to forward to you our response to your invitation to provide comments on the Draft Framework for the Regulation of Exploitation Activities.

As already indicated in the Draft Framework, seabed mining is indeed excluded from the scope of the London Convention (Article III.1(c)) and the Protocol (Article 1.4.2.3).

However, a wealth of technical and regulatory experience of both direct and indirect relevance to the Draft Framework, has been accumulated over the years by Contracting Parties as well as the Secretariat to the London Convention and Protocol. This information and experience in minimising the impact to the marine environment from disposal of wastes at sea could be of benefit to the ISA in its effort to prepare the Framework for the Regulation of Exploitation Activities.

Moreover, the objectives of the London Protocol, in particular, is to “individually and collectively protect and preserve the marine environment from all sources of pollution” (Article 2). Consequently, the Contracting Parties have a general obligation to take responsibility for the protection of the marine environment, and at the precautionary principle, and a risk assessment based approach, is at the centre of the aims of the Protocol.

Of specific interest to the Draft Framework, would be the Waste Assessment Guidance (WAG) developed under Annex 2 of the Protocol. This guidance, which includes generic waste assessment guidelines as well as Specific guidelines for the various waste streams covered by the London Protocol, consist of eight steps, that need to be followed prior to the authorization of any disposal of wastes at sea, as follows:

- 1 waste characterization (chemical, physical and biological properties);
- 2 waste prevention audit and waste management options;
- 3 action list (application of);
- 4 identify and characterize dump-site;
- 5 determine potential impacts and prepare impact hypothesis(es);

- 6 issue permit;
- 7 implement project and monitor compliance; and
- 8 field monitoring and assessment.

These guidelines are available for download from our website:

<http://www.imo.org/OurWork/Environment/LCLP/Publications/wag/Pages/default.aspx>

It is my strong belief that a harmonization with the waste assessment procedures developed under the London Convention and Protocol would be mutually beneficial, and I would urge you to take these into consideration in the development of the Framework.

In particular, the WAG could provide guidance in the development of:

- Part II – Applications for approval of plans of work for exploitation in the form of contract (in particular the sections on feasibility studies, environmental impact statements, and environmental management plans); and
- Part IV – Protection and preservation of the marine environment (in particular the sections Protection and preservation of the marine environment and Environmental management).

In these specific sections, I believe it would be beneficial to include the requirements for a waste assessment and waste assessment prevention audit, in line with the established procedures under the London Convention and Protocol. We would be pleased to provide further experiences from the London Convention/Protocol when these sections are developed.

Finally, at the recent meeting of the London Convention/Protocol Scientific Groups, it was stressed that Contracting Parties noted the possible relevance of the LC/LP Waste Assessment Guidance, in particular the Specific Guidelines for inert, inorganic geological material, in relation to the exploitation of mineral resources in the deep sea (see document LC/SG 38/16, paragraph 8.31). Delegations were also encouraged to provide input to the ISA consultation on the Draft framework directly.

As I understand that this is the first step of a longer process, I can assure you that the Secretariat, the Contracting Parties, as well as the various bodies established under the London Convention and Protocol, will be available to support and collaborate in the development of this Framework, and I look forward to further discussions on this matter.

Yours sincerely,



Edward Kleverlaan  
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Marine Environment Division