

International Seabed Authority

Press Release



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Council (AM)

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ISBA COUNCIL BEGINS SUBSTANTIVE DEBATE ON DRAFT RULES TO GOVERN PROSPECTING OF NEWLY DISCOVERED RICH MINERALS; SOME DELEGATIONS URGE MORE STUDY

The 36-member Council of the International Seabed Authority began the substantive work of its current session in Kingston this morning, with discussion of a general nature on the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area.

In other matters, the Council elected Jamaica as a vice-president representing the Group of Latin American and Caribbean States. It also elected Adam M. Tugio (Indonesia) to fill a vacancy on the Legal and Technical Commission, replacing Mr. Ferry Adamhar, who had resigned.

The draft regulations set out the legal rules that contractors and the Authority must follow in prospecting or exploring for those metals. The draft text may be supplemented by further rules, regulations and procedures to protect and preserve the marine environment.

The text is in nine parts containing 43 regulations and four annexes. Part 1 covers use of terms and scope of the regulations, while part II explains how prospecting shall be conducted, and consideration of notification to do so by the Secretary-General. It also covers submission of annual reports by contractors. Prospecting shall not be undertaken if substantial evidence indicates the risk of serious harm to the marine environment, according to the document. The Secretary-General shall ensure the confidentiality of all data and information contained in reports submitted by contractors.

Part III, containing the general provisions, sets out the details of applications for approval of plans of work for exploration in the form of contracts. The area for exploration shall not be more than 100 blocks.

According to the provisions in part IV of the text, the Council has to approve any plan of work for exploration which must be prepared in the form of a contract. Rights of contractors are protected and their area of operation would not be interfered with. A plan of work for exploration shall be approved for 15 years.

There are provisions for the protection and preservation of the marine environment under Part V of the regulations. Contractors, sponsoring States and other interested States or entities shall cooperate with the Authority in the establishment and implementation of programmes for the monitoring and evaluating of impacts of deep sea mining on the marine environment.

Part VI has a confidentiality provision to protect proprietary data and information submitted by a contractor.

Leading off the general discussion on the draft regulations this morning, Portugal, citing its traditional dependence on shipping, maritime trade and fisheries, said the importance of the Authority's work in formulating the rules for prospecting and exploring the two mineral deposits could not be over-emphasized. He urged the Council to take time to consider the draft regulations, bearing in mind the importance of preserving the marine environment.

Japan sought clarification on how the Authority would deal with applications for exploration on the surface of the continental shelf extending beyond 200 nautical miles, the outer limits of which is to be established based on recommendations of the Commission of the Limits of the Continental Shelf. Japan again asked whether a State could be permitted to re-submit an application for another site when the original site was later deemed to be beyond national jurisdiction. He said much remained to be done in the area of research and mining techniques, and suggested that the Council postpone application of the new regulations until all disputes relating to the delimitation of the continental shelf beyond 200 nautical miles had been resolved.

Responding to some of the issues raised by the representative of Japan, the Secretary-General of the Authority said it would always ensure that conflict of interests between States were resolved while handling any application in which there might be a possibility of such a conflict. From the Authority's perspective, he would always look to see whether the international seabed Area was indeed an international area when an application was made for a mining exploration site

(According to Article 77, paragraph 1 of the United Nations Convention on the Law of the Sea (UNCLOS), each coastal State exercises sovereign right over the continental shelf for the purpose of exploring and exploiting its resources. Article 76 states that where the margin extends beyond 200 nautical miles, a coastal states can submit the relevant geographical information to the Commission, which can make recommendations for the outer limits to be extended no further than 350 nautical miles).

Brazil felt that the new code should be strengthened to ensure the protection of the marine environment. He proposed a change to regulation 36 paragraph 4 of the draft, relating to the rights of coastal States, to reflect a more precautionary approach.

A number of delegations pointed to the fact that far less was known about those new resources than about polymetallic nodules and urged that due time be given for an in-depth consideration of the regulations to govern their exploitation. France reminded the members that scientific data now available on polymetallic nodules were gleaned over many years and were still not exhaustive. In the case of polymetallic sulphides and ferromanganese crusts, he said, knowledge was far more limited, and that must be taken into account in drafting the code.

China pointed out that one of the main objectives of the regulations was to secure the investments of pioneer investors. Contractors should have a clear sense of their economic rights and duties and of their relationship with the Enterprise, the mining arm of the Authority, yet to be established.

South Africa outlined some issues to be balanced in considering the regulations. The first was the legal obligation to preserve the common heritage of mankind, the second, was the continuation of marine scientific research to ensure a better understanding of how to protect the marine environment, and the utilization of the resources of the seabed for the benefit of mankind as a whole.

The Russian Federation expressed concern that the issues raised with regard to the draft regulations at last year's session had not been adequately addressed in the explanatory notes prepared by the Legal and Technical Commission. The rationale of the LTC was not based on the databank of information that the Authority had at its disposal. There was information resulting from a workshop on minerals, he said, as well as a number of publications, which the LTC had not considered in drafting the explanatory notes. (Workshop on Minerals Other than Polymetallic Nodules of the International Seabed Area – June 2000, Kingston Jamaica).

He had no objection to blocks of 100 square kilometers but said that rather than being allocated in squares, the boundaries of those blocks should be mapped out taking into account the physical parameters of the areas to be explored. With regard to the requirement that all blocks in a single application be contiguous, the Russian Federation said that, because of the sometimes significant distances between seamounts where the crusts were located, the contiguity requirement would be unduly restrictive to contractors.

The Council will meet again at 3 p.m. to continue discussion on the draft regulations.

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