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TO THE UNITED NATIONS, NEW YORK**

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The Permanent Mission of the Republic of the Union of Myanmar to the United Nations presents its compliments to the Secretariat of the International Seabed Authority, in pursuant to the decision of the Council of the International Seabed Authority contained in document no. ISBA/25/C/37, and has the honour to forward herewith the comments of Myanmar concerned authorities on the draft regulations for exploration of mineral resources in the area.

The Permanent Mission of the Republic of the Union of Myanmar to the United Nations avails itself of this opportunity to renew to the Secretariat of the International Seabed Authority the assurances of its highest consideration.

New York, 29 October 2019

**Secretariat of the International Seabed Authority
14-201 Port Royal Street, Kingston, Jamaica.**



**Comments on the Draft Regulation for Exploration of Mineral Resources in the
Area by the Republic of the Union of Myanmar**

1. Draft Regulations for Exploration of Mineral Resources in the Area is legal portal for the sharing benefits arising from the exploitation of mineral resources of the deep seabed between developed and developing countries which is one of the contribution of the United Nations Convention on the Law of the Sea (UNCLOS).
2. For “Part I: Rights of Coastal State”, the following sentence should be used in place of the sentence mentioning in the draft regulation as: **Any coastal State which has grounds for believing that any activity in the Area by a Contractor is likely to cause Serious Harm or a threat of Serious Harm to the Marine Environment under its jurisdiction or sovereignty may notify the Secretary-General in writing of the grounds upon which such belief is based.”**
3. In the “Part II: Applications for approval of Plans of Work in the form of contracts”, guideline for the preparation of Plans of Work and submitting the application with reconnaissance survey report, feasibility report and other necessary documents should be developed. On the other hand, information and feedback to contractor should be released as soon as possible when their submission of applications for the approval of Plans of Work is being considered by ISA and prompt notifications should be made for the initiation of serial phases of operation procedure through exploration to exploitation. The time framework of ISA personnel concerned for the assessment on the contractor’s application should be clearly scheduled in the additional guidelines. In addition the workload of ISA for the handling of the applications and assessment should be expected and scheduled.

4. In the “Part III: Rights and obligations of Contractors”, responsibility and accountability of the contractors should be clearly and comprehensively ratified. Guidelines for the reconnaissance exploration and extraction, test-mining, and pilot-ore-dressing plan should be in detailed.

5. In the “Part IV: Protection and preservation of the Marine Environment”, it should be considered that we have insufficient knowledge of the deep sea resources and lack of thorough assessment of environmental impacts of deep marine mining operations. Therefore, an effective regulatory framework is needed to avoid lasting harm to the marine environment, based on high-quality environmental impact assessments and mitigation strategies. Therefore, some legal and technical framework for the environmental management and conservation should be designed more detail in the guidelines, manual and standard which will be developed in accordance with the developing technology and market economy. The laws and regulations applied in Myanmar should be mentioned as **“Myanmar Oil and Gas Enterprise complies the Environmental Conservation Law (2012), Environmental Conservation Rules (2014), Environmental Impact Assessment Procedure (2015), IFC Guideline – 2015 and National Environmental Quality (Emission) Guidelines (2015) concerning the preservation of Marine Environment and discharge of wastes as per described in Regulation (Draft) IV – Protection and preservation of the Marine Environment in the offshore Oil and Gas Exploration and production.**

6. In the “Part VI: Closure plans” and “Part IX: Information-gathering and handling” some restriction and description of the draft regulation, in particular on environmental issues, should be more detail in guideline and standards rather than the current regulation. In addition, there should be stakeholder input and feedback into the development of that guideline and standards more detailed. In

the "Plan of work schedule" project planning with time schedules for application approval, exploration, allowed duration for infrastructural facilitating and project deployment, exploitation, recovery action plan, should be considered and basic principle for consideration of time-frame to be allowed and agreed should be drawn.

7. For the "General procedures, Standards and Guidelines", there are different scopes and themes of reports, interne report and project proposal and there should be appropriate formats for each. Time framework of a report and submitting date should be considered and described in the guidelines but should be prescribed in the regulation at first.

8. Operation area demarcation and mine-site demarcation, specification for mine designs and mining machinery deployment system should be precisely ratified. Moreover, several input and feedback for completion and withdrawal of the operation, post-closure procedure, post-operation monitoring system and schedule, post-closure responsibility and funding for reclamation and rehabilitation of the mine and compensation should be discussed with third-party stakeholders.

9. Myanmar appreciates Authority's continued efforts on the implementation of the Draft Regulation on Mineral Exploration in the Area. The draft has portrayed comprehensively with adequate amount of technical inputs from policy and legal experts, which are fundamental and essential for conservation and sustainable use of the marine resources.

10. Since disputes between the parties concerning the interpretation, application, nature of data and information of the contract will be settled in accordance with the UNCLOS (Section 5 or Part XI) relating to the rights and

obligations of the Authority and the Contractor, the convention member states will be beneficial in resolving the disputes.

11. The process, principles and regulation of mining and marine resources in the area stated in the Draft Regulation will be the guiding principles for implementing domestic regulation on mineral exploration in the Area.

12. It is observed that through the regulation, the countries in the adjacent area of seabed mining zone can be benefitted from joint venture activity.

13. By adopting the draft regulation, it provides the capacity building of exploring contractor and researchers especially from the developing countries.