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Agenda item 14

Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-ninth session

Draft revised standardized procedure for the development, establishment, and review of regional environmental management plans

I. Introduction

1. Regional environmental management plans contribute to fulfilling the mandate of the International Seabed Authority (the “Authority”) to ensure the effective protection of the marine environment from harmful effects that may arise from activities in the Area, in accordance with article 145 of the United Nations Convention on the Law of the Sea (the “Convention”)¹.

2. The purpose of the regional environmental management plan is to provide region specific information, measures, and procedures. It is guided by principles, sets overarching goals and objectives, and establishes environmental management measures, with cumulative effects taken into account.

3. As such regional environmental management plans are designed to, among other things:

(a) Provide the relevant organs of the Authority, as well as contractors and their sponsoring States, with environmental management measures and tools, including area-based management tools, to support informed decision-making for environmental protection on a regional scale from mineral resource exploitation activities;

(b) Provide the Authority with a clear and consistent mechanism to identify particular areas considered to be: (i) representative of the full range of habitats, biodiversity, sensitive ecosystems, and biological communities, within the

¹ References to underwater cultural heritage were proposed in this document. Because the concept is still under negotiation in the Council, references were not inserted at this time. If necessary, any references to underwater cultural heritage will need to be aligned with the Regulations on exploitation of mineral resources in the Area once these have been adopted.

management area; and/or (2) important for the maintenance of ecosystem structure and function; and

(c) Provide those areas with appropriate levels of environmental protection from mineral resource exploitation activities.

4. The process outlined below takes into consideration the functions of the Legal and Technical Commission of the Authority (the “Commission”) in relation to environmental matters. Notably, the Commission is empowered, under the Convention, to make recommendations to the Council of the Authority on the protection of the marine environment, taking into account the views of recognized experts in that field (Article 165, para. 2 (e) of the Convention) and, in the exercise of its functions, the Commission may consult with, inter alia, any international organizations with competence in the subject matter of such consultation (Article 163, para. 13 of the Convention). In addition, the Commission is also responsible for keeping under review the rules, regulations, and procedures on activities in the Area and for recommending to the Council from time to time such amendments thereto as it may deem necessary or desirable (Article 165, para. 2 (g) of the Convention).

5. This standardized procedure document sets out the steps to be undertaken to develop, establish and review regional environmental management plans of the Authority. The standardized procedure also includes a template, which is a standardized format to be used when developing regional environmental management plans of the Authority. The template contains the minimum requirements for each future regional environmental management plan and a recommended structure with notes on content. The standardized procedure, including the template, is to be used in conjunction with the supporting guidance document that provides more detail on the sections of the regional environmental management plan as outlined in the template.

II. Initiation of the regional environmental management plan development procedure

6. The Council is responsible for the adoption and review of regional environmental management plans for all mineral provinces in the Area where exploration is taking place. The Council may request the Commission to develop such plans.

7. A regional environmental management plan shall be adopted for the particular area concerned before the Commission considers an application for a Plan of Work for exploitation².

III. Development of a regional environmental management plan

A. Planning

8. The Commission should include the development and review of regional environmental management plans in its programme of work. In its programme of work, the Commission is to identify the main tasks to be undertaken by the Commission and the Secretariat of the Authority, and the competencies of any external experts to assist with the process. The programme of work will set out an indicative timeline, as well as the potential spatial extent of regional environmental management plans. This information should be made available through the reports of

²This refers to conditions that are applicable to the exploitation phase for which the draft regulations on exploitation of mineral resources in the Area are still under negotiation. This reference will therefore need to be aligned once the regulations have been adopted.

the Chair of the Legal and Technical Commission.

B. Compilation of available data and information

9. The Commission, with assistance from the Secretariat, should ensure that it has access to all available data. These data include:

- (a) Contractor data and information submitted to the Authority that pertain to the region and are not deemed confidential, in accordance with the rules, regulations and procedures of the Authority;
- (b) Data and information, in particular from scientific projects, initiatives in the region, peer-reviewed articles and publicly accessible databases;
- (c) Traditional knowledge of indigenous peoples and local communities; and
- (d) Any other information relevant to the indicative elements for the regional environmental management plan, including other types of marine uses.

10. Such data and information will be disseminated through the regional environmental characterisation and data report. Both documents will be made available on the Authority's website.

C. Scientific assessment

11. Experts should be brought together, including through workshops, and selected by the Commission on the basis of an expert and stakeholder mapping exercise, in accordance with the regional environmental management plan guidance document. The convening of experts should be focused on data synthesis and development of scientific tools and approaches as guided by the Commission. The following objectives will be addressed:

- (a) Define the appropriate regional environmental management plan area, drawing upon information on the geology, biogeography, and oceanography of the region;
- (b) Review, synthesise and analyse environmental data for benthic and pelagic ecosystems, including oceanographic, physio-chemical, geological and biological data;
- (c) Describe current mineral exploration activity;
- (d) Identify potential overlaps with other legitimate users and area-based management tools established by competent bodies;
- (e) Evaluate effects (including cumulative) at the regional scale;
- (f) Provide descriptions of areas that could be protected from exploitation in order to achieve the effective protection of the marine environment, including through the identification and description of different categories of area-based management tools where appropriate;
- (g) Identify potential non-spatial management measures or options; and
- (h) Identify knowledge gaps and propose options to address them.

D. Management assessment

12. The results of the scientific assessment will provide inputs for additional expert deliberations focused on translating the scientific assessment into management measures and implementation strategies.

13. Experts will be selected by the Commission on the basis of an expert and

stakeholder mapping exercise, in accordance with the regional environmental management plan guidance document. This should include representatives of relevant international bodies.

14. The management-oriented expert deliberations will focus on identifying:

(a) Management goals and objectives at a regional scale;

(b) Area-based and other types of management measures to achieve the goals and objectives,

(c) Priorities for environmental monitoring at the regional scale to address the information and knowledge gaps identified; and

(d) Implementation strategies, including collaboration and cooperation.

E. First draft of the regional environmental management plan

15. The Commission, with assistance from the Secretariat, will prepare a draft regional environmental management plan, on the basis of available data and the results from the deliberations. The content of the regional environmental management plan should follow the template and structure in the Appendix.

F. Formal stakeholder consultation

16. The Secretariat will make the draft regional environmental management plan publicly available for a minimum of 90 days by placement on the website of the Authority, for the submission of comments by interested parties within this time frame. The regional environmental characterisation and data report will also be made publicly available to support stakeholder consultation.

17. The Secretariat will publish any comments received from stakeholders on the website of the Authority.

IV. Establishment of a regional environmental management plan

A. Recommendations by the Legal and Technical Commission

18. After the closure of the formal stakeholder consultation, i.e. after a minimum of 90 days, the Commission must, at its subsequent regular meeting, consider the draft regional environmental management plan, taking into account the comments received during the stakeholder consultation and any further information.

19. The Commission may recommend that the Council adopt the regional environmental management plan. The draft regional environmental management plan and the recommendation should be made publicly accessible on the Authority's website for a minimum of 90 days in advance of the Council meeting during which the plan will be put forward for adoption.

B. Approval of the regional environmental management plan

20. The Council will approve the regional environmental management plan or request the Commission to make specific revisions to the plan and/or undertake further work in developing or verifying its contents, for consideration at a later meeting of the Council.

21. When the Council approves it, the regional environmental management plan will be implemented by the Authority as set out in the plan.

V. Review of the regional environmental management plan

22. Each regional environmental management plan should undergo a review, at the latest every five years after its adoption by Council, or earlier if suggested by the Commission or requested by the Council. This review will be based on newly available data and scientific information.
23. Events that may lead the Commission to conduct, or the Council to request an earlier review may include:
 - (a) Submission of substantial new environmental knowledge or data for the region;
 - (b) A major environmental change in or affecting the region (e.g., a natural or anthropogenic disaster); and
 - (c) Submission of an application for a plan of work for a new resource category in the region.
24. As part of the review of the regional environmental management plan, the Commission shall provide to the Council a report that summarizes how new data and information have been considered by the Commission. This report should be made publicly accessible by the Secretariat.
25. The review process can follow the above paragraphs 9 to 19, as appropriate.

Appendix

Template

I. Introduction and background

This section sets the scene for the regional environmental management plan, providing background to the plan in enough detail for a reader to form an overall impression of the scope of the regional environmental management plan.

It should include a short description of the regional environmental management plan, including its policy, legal, and administrative context, a summary of scientific and management expert deliberations and the Data Report and regional environmental characterisation produced, the region covered by the regional environmental management plan and the mineral resources under consideration in the plan.

II. Goals and objectives

This section of the template containing environmental and cultural/socio-economic goals and objectives can be reproduced as drafted, for each regional environmental management plan. There may be additional regional-specific objectives.

2.1 Environmental goals and objectives

Environmental goals and objectives³ underlie the scientific deliberations as set out in Section III of the Standardized Procedure in contributing to the mandate of the Authority to ensure the effective protection of the marine environment from harmful effects that may arise from activities in the Area, in accordance with Article 145 of the Convention.

2.1.1 Goals

The goal of all regional environmental management plans is to:

Conserve regional biodiversity and ecosystem integrity.

2.1.2 Objectives

Environmental objectives that aid the achievement of the goal are, at a regional scale, to:

- Maintain biodiversity;
- Maintain ecosystem structure, function and services (including structure and integrity of food webs, and elemental cycling and trophic relationships);
- Maintain representativity of habitats, communities and populations
- Maintain the ability of populations to replace themselves, including ensuring connectivity among populations;
- Maintain areas of temporal including seasonal use (such as migratory routes and feeding grounds);
- Preserve vulnerable and / or unique ecosystems;
- Preserve endemic, endangered or threatened species; and/or
- Maintain benthic and pelagic ecosystems, including midwater fauna,

³ Here, a goal is considered to be a statement of general direction or intent. Goals are high level statements of the desired outcomes to be achieved. An objective is considered to be a specific statement of desired outcomes that represent the achievement of a Goal.

2.1.3 Additional region-specific objectives

Additional objectives that are specific to the region in question are added in here (if any).

2.2 Cultural and social-economic goals and objectives⁴

2.2.1 Goals

2.2.2 Objectives

2.2.3 Additional region-specific objectives

Additional objectives that are specific to the region in question are added in here (if any).

III. Geographical scope

This section should include information on the geographical scope of the area covered under the regional environmental management plan.

3.1 Describe the data and information used for developing the definition of the region including the rationale. This will summarise the main data on bathymetry, geomorphology, biogeography, oceanography.

3.2 Provide the geographical coordinates and water depths of the regional environmental management plan region.

3.3 Provide a map that shows the:

- Boundaries of the regional environmental management plan in the Area
- International Seabed Authority contract areas and reserved areas

IV. Regional setting

This section should include a summary of the information compiled in the regional environmental characterisation and the data report, without repeating detailed information already presented in those background reports.

This section will be supported by maps and geographic information system (GIS) files, and including the following categories:

4.1 Environmental characteristics

This section summarises the main characteristics of the marine environment. It includes descriptions of environmental baseline data and results of data analyses in the region, gathered through the scientific deliberations covered in Section III of the Standardized Procedure, and outlined further in the guidance document.

4.1.1 Physico-chemical characteristics

This section will cover the main characteristics of meteorology and air quality, physical oceanography, and chemical oceanography.

4.1.2 Geological characteristics

This section will include a description of key geological and topographic structure and seabed substrate characteristics.

4.1.3 Biological characteristics

⁴ This section may need to be revisited once the regulations for the exploitation of mineral resources in the Area are stabilized.

This section includes information on the pelagic and benthic biological and ecological characteristics of ecosystems in the region.

4.1.4 Natural stressors

This section should include details of any region-scale natural stressors (e.g., volcanic activity).

4.2 Information on human activities in the region

4.2.1 Minerals resource-related activities

Details of mineral resources related activities should be described. These activities include seabed mineral exploration and exploitation contracts, applications for contracts received, other spatial information from contracted areas such as preservation reference zones and impact reference zones in the region.

4.2.2 Other human activities

This section should cover other legitimate marine uses in the region (such as cable installation and operation, marine scientific research).

4.2.3 Other anthropogenic stressors

Other anthropogenic stressors, not described in the preceding sections, should be listed and described for the region. Examples include, but are not limited to, climate change (including ocean acidification), pollution, and illegitimate use of the region (e.g., IUU fishing, piracy).

4.2.4 Cultural heritage and interests

Here details should be provided of any cultural heritage and interests in the region (e.g., shipwrecks, fossils, human remains, navigation routes and features used by indigenous people and local communities).

4.3 Description of knowledge gaps

While data gaps and uncertainties are described in the regional environment characterisation (and also under some of the headings above), it is recommended to include a separate summary here of the main information gaps and uncertainties (due to data quality or quantity) with regard to environmental information.

4.4 Designations and management systems

Include identified descriptions, designations, management systems or standards by various international organizations or agreements.

Identified areas of potential or particular ecological interest (e.g., Ecologically or Biologically Significant Areas, Vulnerable Marine Ecosystems, Key Bird Areas) should be described and included on maps (or referenced to the appropriate report, e.g., the Data Report).

V. Management measures

This section should include area-based management tools and other management measures to be applied at the regional scale (as well as at the scale of contract areas if appropriate). based on the management-oriented deliberations of Section III of the Procedure Document, the Guidance document, and the goals and objectives in section II of this Template.

This will include descriptions of key elements and analyses carried out in formulating management measures (such as environmental risk assessment, cumulative effects assessment), as well as the management outcomes for the network of areas and sites of particular environmental interest.

5.1 Area-based management

This describes details of area-based management tools, including:

5.1.1 Location, coordinates, and size of areas and sites of particular environmental interest and other area-based management tools. In addition to descriptive text, maps should be provided.

5.1.2 Reasons for the designation of each area or site of particular environmental interest

5.1.3 Conditions imposed on mineral resource related activities by the International Seabed Authority.

5.2 Non-spatial management

This section includes any management measures that are not solely area-based. These may include aspects such as requirements for equipment, operations etc.

5.2.1 Temporal management

This section comprises details of any temporal, including seasonal, measures that should be applied to seabed mineral activities (e.g., to take into account migration of marine mammals and other megafaunas).

5.2.2 Other management measures, if any**VI. Regional monitoring**

In this section the main knowledge gaps in design of the regional environmental management plan are described, and priorities identified for environmental monitoring that will address these gaps and give confidence that the regional management measures are performing as intended.

6.1. Knowledge gaps and research priorities

This section should identify the key knowledge gaps in the implementation of the regional environmental management plan and provide information about the priorities for future research to address these knowledge gaps.

6.2. Strategy for regional environmental monitoring

This section should describe measures for monitoring the state of the environment and/or potential changes in a specific region. It will include:

- (a) Identification of monitoring objectives
- (b) Future research plans covering survey/sampling areas, sampling methodologies, and data analyses, to address current data gaps
- (c) Integration of information coming from all relevant sources, such as contractors, scientific literature, DeepData, global databases and other relevant information
- (d) Measures to incentivise marine scientific research, through international cooperation
- (e) Options for collaboration with and between contractors

6.3. Other aspects

This section should include:

- (a) Measures for capacity-building and training
- (b) A communication and public information strategy

VII. Review of the progress in the implementation of the regional environmental management plan

A regional environmental management plan is not static. It will be reviewed by the Commission at least every five years, as required, focusing on the key elements of the plan, including the environmental setting, the management measures and the knowledge gaps and implementation strategy. The review will be undertaken to determine its suitability or need for amendment, on the basis of the best available data and information and in alignment with the rules, regulations, and procedures of the Authority.
