Regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area

Draft Regulations as proposed by the Legal and Technical Commission in document ISBA/16/C/WP.2 showing the additional revisions that would be necessary to align the draft regulations with the Regulations on Prospecting and Exploration for Polymetallic Sulphides in the Area as approved by the Assembly during the sixteenth session and published as ISBA/16/A/12/Rev.1 (except for provisions specific to cobalt-crusts, i.e. definitions, provisions dealing with the size of areas for exploration and relinquishment: regulations 12 and 28; and descriptions of data requirements: Annex 2, Section II, paragraph 1)

Provisions requiring alignment marked in bold text: Regulations 21(4) and (5); 23(1) and (7); 45(3); Annex 4, Section 17.3, Section 21.2, Section 25.2.

Preamble

In accordance with the United Nations Convention on the Law of the Sea (“the Convention”), the seabed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction, as well as its resources, are the common heritage of mankind, the exploration and exploitation of which shall be carried out for the benefit of mankind as a whole, on whose behalf the International Seabed Authority acts. The objective of this set of Regulations is to provide for prospecting and exploration for cobalt-rich ferromanganese crusts.

Part I
Introduction

Regulation 1
Use of terms and scope

1. Terms used in the Convention shall have the same meaning in these Regulations.

3. For the purposes of these Regulations:

   (a) “cobalt crusts” means hydroxide/oxide deposits of cobalt-rich iron/manganese (ferromanganese) crust formed from direct precipitation of minerals from seawater onto hard substrates containing minor but significant concentrations of cobalt, titanium, nickel, platinum, molybdenum, tellurium, cerium, other metallic and rare earth elements;

   (b) “exploitation” means the recovery for commercial purposes of cobalt crusts in the Area and the extraction of minerals therefrom, including the construction and operation of mining, processing and transportation systems, for the production and marketing of metals;

   (c) “exploration” means searching for deposits of cobalt crusts in the Area with exclusive rights, the analysis of such deposits, the use and testing of recovery systems and equipment, processing facilities and transportation systems, and the carrying out of studies of the environmental, technical, economic, commercial and other appropriate factors that must be taken into account in exploitation;

   (d) “marine environment” includes the physical, chemical, geological and biological components, conditions and factors which interact and determine the productivity, state, condition and quality of the marine ecosystem, the waters of the seas and oceans and the airspace above those waters, as well as the seabed and ocean floor and subsoil thereof;

   (e) “prospecting” means the search for deposits of cobalt crusts in the Area, including estimation of the composition, sizes and distributions of deposits of cobalt crusts and their economic values, without any exclusive rights;

   (f) “serious harm to the marine environment” means any effect from activities in the Area on the marine environment which represents a significant adverse change in the marine environment determined according to the rules, regulations and procedures adopted by the Authority on the basis of internationally recognized standards and practices.

4. These Regulations shall not in any way affect the freedom of scientific research, pursuant to article 87 of the Convention, or the right to conduct marine scientific research in the Area pursuant to articles 143 and 256 of the Convention. Nothing in these Regulations shall be construed in such a way as to restrict the exercise by States of the freedom of the high seas as reflected in article 87 of the Convention.

5. These Regulations may be supplemented by further rules, regulations and procedures, in particular on the protection and preservation of the marine environment. These Regulations shall be subject to the provisions of the Convention and the Agreement and other rules of international law not incompatible with the Convention.