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The ISA's area-based management tools:

A state of affairs

10 May 2023

Stakeholder event hosted by the UU-NIOZ project, 'Protecting deep seabed hydrothermal vent fields through area-based management tools'

Catherine Blanchard & Samantha Robb

ABMTs in the ISA's regulatory framework



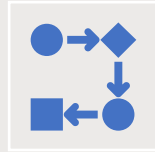
Mining code:

draft exploitation regulations;
exploration regulations;
standards & guidelines



REMPs = essential element of the ISA's mandate to protect marine environment from DSM

(Draft Exploitation regs Reg 44bis(1); Strategic Plan for the period 2019-2023 (ISBA/24/A/10) and associated High Level Action Plan (HLAP))



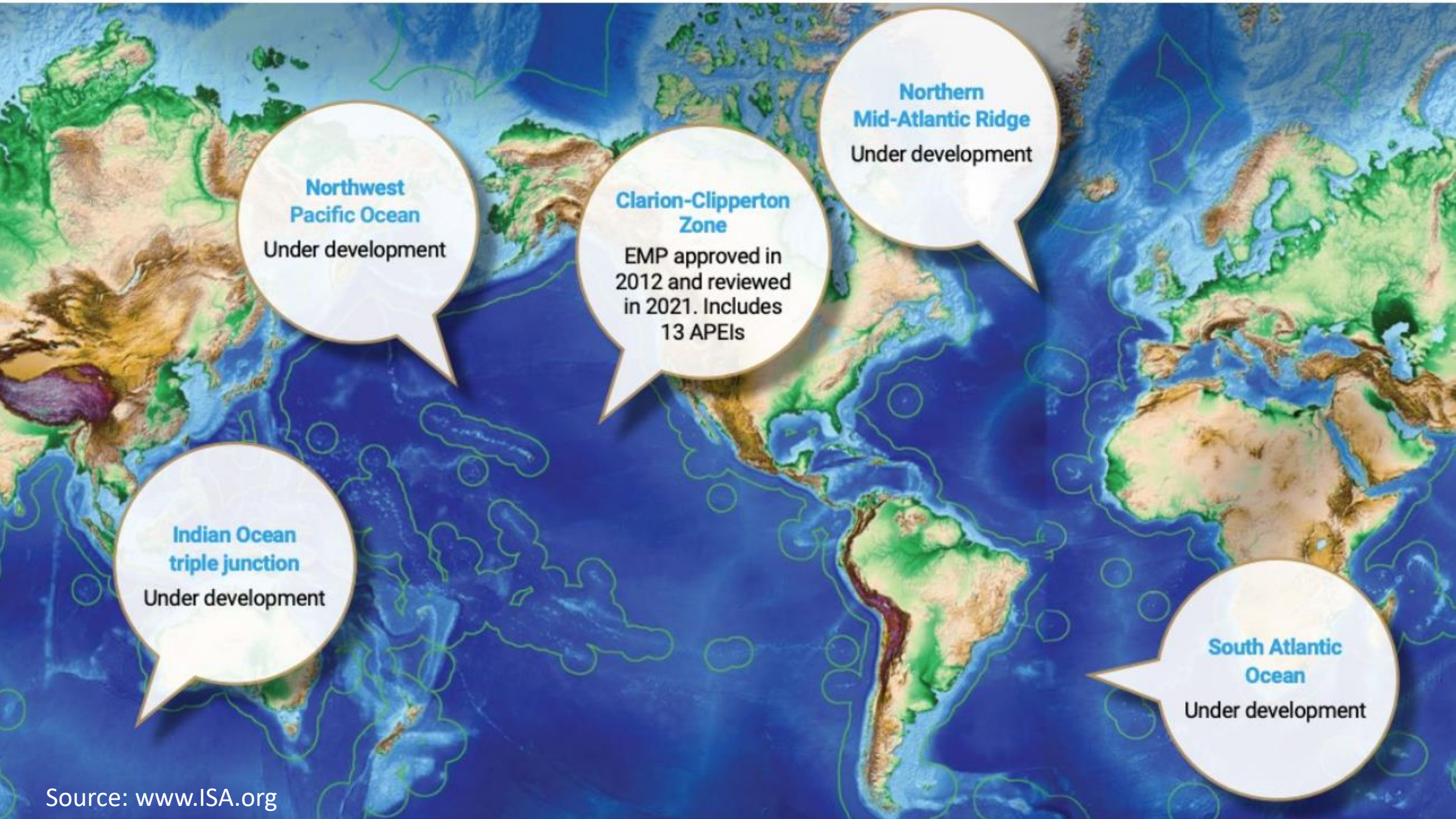
Standardized approach to facilitate the development, implementation and review of REMPs in the Area & REMP Template (ISBA/27/C/37 (DRAFT))

Article 145

Protection of the marine environment

Necessary measures shall be taken in accordance with this Convention with respect to activities in the Area to ensure effective protection for the marine environment from harmful effects which may arise from such activities. To this end the Authority shall adopt appropriate rules, regulations and procedures for *inter alia*:

- (a) the prevention, reduction and control of pollution and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment, particular attention being paid to the need for protection from harmful effects of such activities as drilling, dredging, excavation, disposal of waste, construction and operation or maintenance of installations, pipelines and other devices related to such activities;
- (b) the protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the marine environment.



Northwest Pacific Ocean
Under development

Clarion-Clipperton Zone
EMP approved in 2012 and reviewed in 2021. Includes 13 APEIs

Northern Mid-Atlantic Ridge
Under development

Indian Ocean triple junction
Under development

South Atlantic Ocean
Under development

Areas of particular environmental interest (APEIs)

- Areas of the seabed closed to any mining activities, but open for MSR
- Aim is to protect representative habitats and facilitation of MSR.

13 APEIs have been designated through the CCZ REMP



Legal and Technical Commission

13 July 2011

Original: English

Seventeenth session
Kingston, Jamaica
11-22 July 2011

Environmental Management Plan for the Clarion-Clipperton Zone



Council

Distr.: General
10 December 2021

Original: English

Twenty-sixth session
Council session, part II
Kingston, 6–10 December 2021*
Agenda item 13

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

Decision of the Council of the International Seabed Authority relating to the review of the environmental management plan for the Clarion-Clipperton Zone

The Council of the International Seabed Authority,

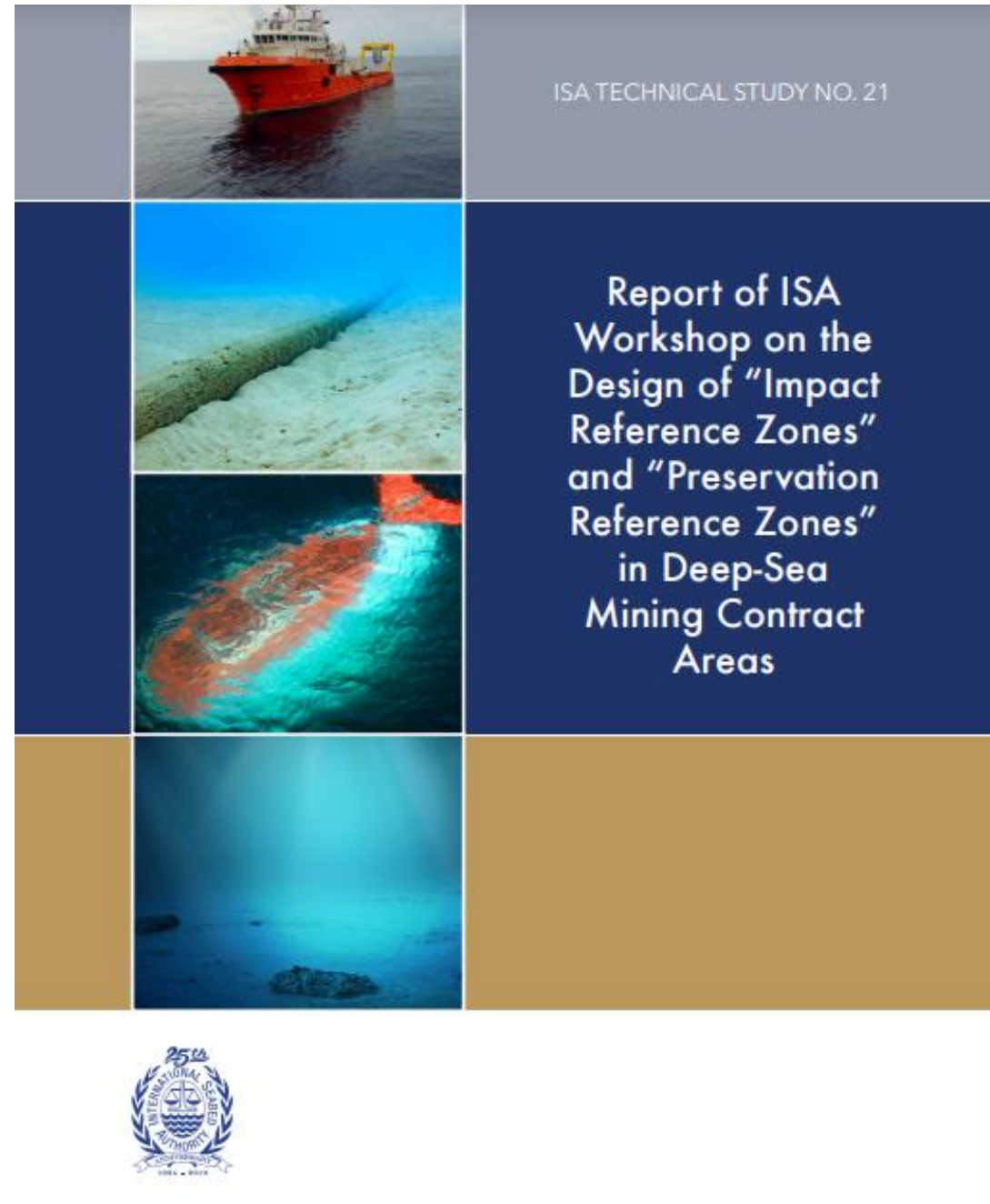
Taking into account the recommendations of the Legal and Technical Commission pursuant to article 165, paragraph 2 (e), of the United Nations Convention on the Law of the Sea of 10 December 1982,¹



Impact Reference Zones / Preservation Reference Zones (IRZs/PRZs)

- Tools to facilitate monitoring and evaluate the environmental impacts of mining activities
- Aim is not for protection itself, but for comparison purposes
- Will be designated by contractors (CCZ REMP, para 41(c))

Referred to in the exploration regulations for all mineral resources (ISBA/19/C/17, ISBA/16/A/12/Rev.1 & ISBA/18/A/11) & the Recommendations for the Guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area (ISBA/19/LTC/8).

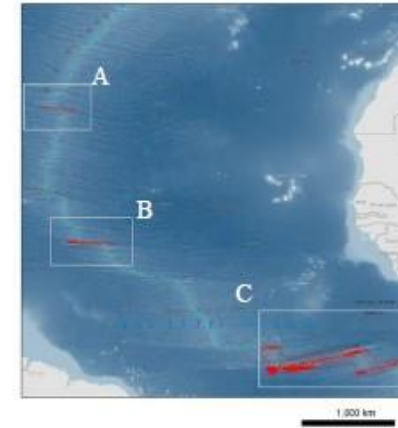


Areas in need of protection (AINPs)

- Large-scale areas of ecological importance
- Aim is to protect regional-scale ecosystem features
- DSM is not permitted in AINPs
- Zoning schemes developed to protect AINPs from in/direct DSM impacts

3 AINPs identified in Draft
nMAR REMP

Annex I. List of Areas in Need of Protection (AINPs), with coordinates



Area in Need of Protection
(Kane Fracture Zone) 250 km



Area in Need of Protection
(Vema Fracture Zone) 250 km



Area in Need of Protection
(Romanche Fracture Zone System) 500 km

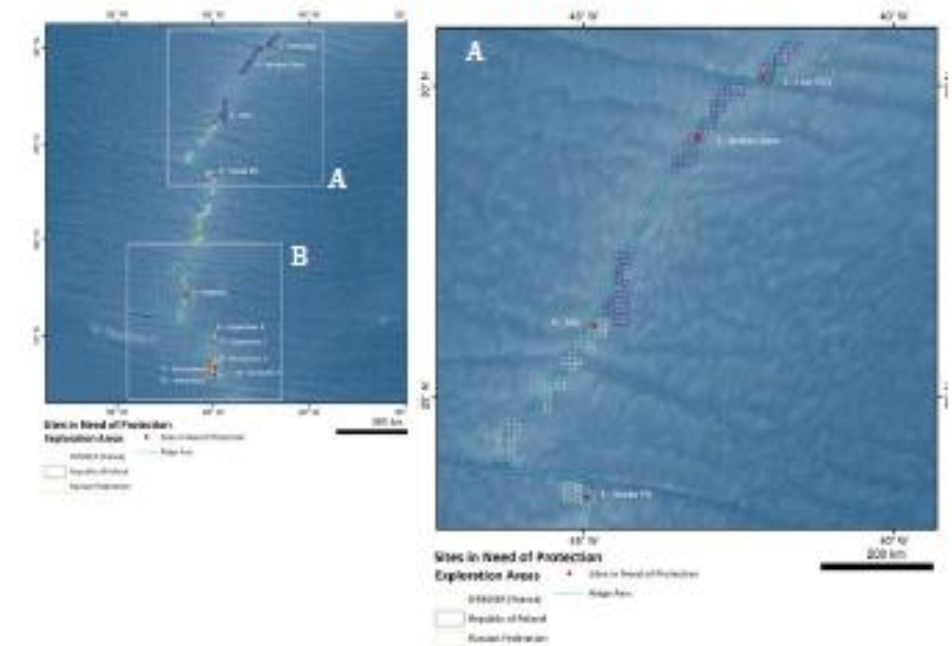
Figure 1. Maps of the Areas in Need of Protection: Kane Fracture Zone (A), Vema Fracture Zone (B) and Romanche Fracture Zone System (C).

Sites in need of protection (SINPs)

- Fine-scale sites with vulnerable ecosystems
- Aim is to manage (DSM) activities with harmful effects to maintain ecosystem and community integrity
- DSM is not permitted in SINPs
- Zoning schemes developed to protect SINPs from in/direct DSM impacts

**11 SINPs identified in Draft nMAR REMP
(all active vent sites within Contractors'
exploration areas)**

Annex II. List of Sites in Need of Protection (SINPs), with coordinates



ISBA/27/C/38

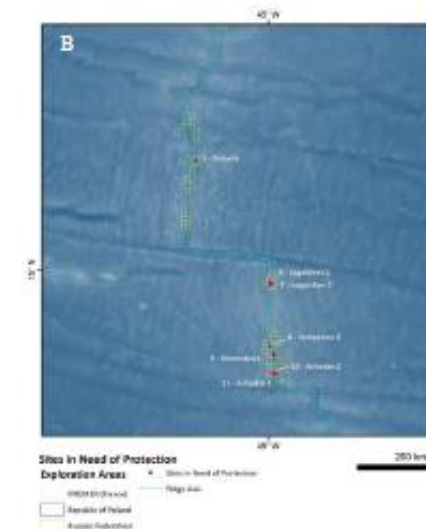


Figure 1. Maps of Sites in Need of Protection.

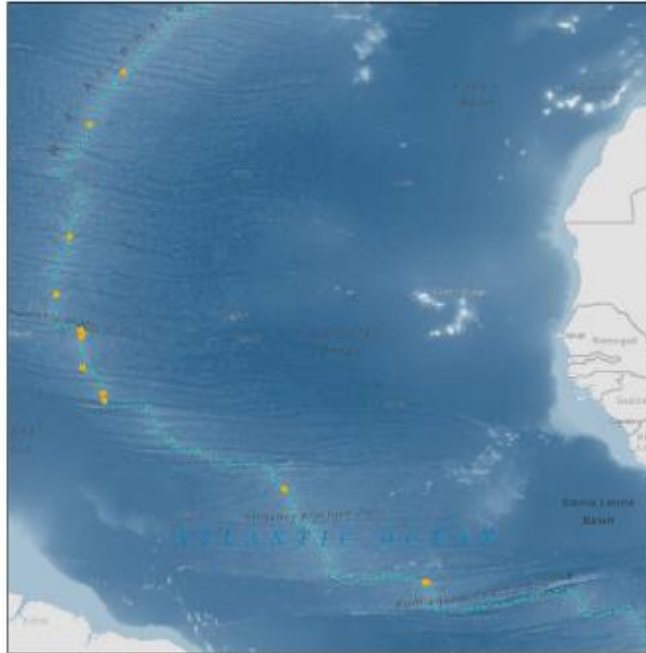
Sites or areas in need of Precaution (S/A-Precaution)

- Fine-scale sites or large-scale areas that are predicted to have features that may give the site/area important conservation value
- Aim is to enable Council to decide whether to designate a S/AINP. S/A-Precaution status can be removed once assessed
- DSM is permitted in S/A-Precaution, but precautionary approach must be adopted

12 S-Precaution (active vent sites) identified in Draft nMAR REMP

“areas of potential cold-water octocoral habitat, drawn from habitat suitability models” identified as A-Precaution in Draft nMAR REMP

Annex III. List of Site/Areas in Need of Precaution (S/A-Precaution)

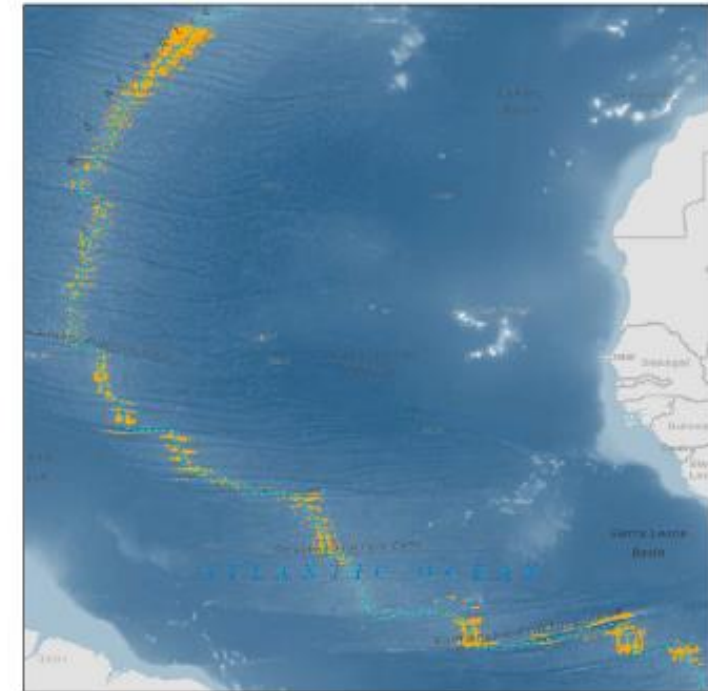


Sites in Need of Precaution (Inferred Active Vents)

Figure 1. Maps of Sites in Need of Precaution.

S-Precaution	Longitude	Latitude
MAR_30°N	-42.5000000	30.0333000
MAR_27°N	-44.5000000	27.0000000
Puy des Folles	-45.6417000	20.5083000
MAR_17°09'N	-46.4200000	17.1500000
MAR, south of 15°20'N fracture zone	-45.0000000	15.0833000
MAR_14°54'N	-44.9000000	14.9200000
Logatchev 3	-44.9667000	14.7083000

Neptune's Board	-44.9000000	12.9100000
MAR_11°26'N	-43.7035000	11.4482000
MAR_11°N	-43.6483000	11.0380000
Markov Deep	-33.1800000	5.9100000
MAR, segment south of St. Paul system	-25.0000000	0.5000000



Areas in Need of Precaution (Octocoral Habitat Suitability, Ridge Area)

Figure 2. Maps of Areas in Need of Precaution.

Draft nMAR REMP: questions & critiques

What distinguishes an AINP from an APEI?



ISBA/127/C/38

If many SINPs in the same area, does this lead to an AINP?

17 August 2022

English only

What does “due consideration will be given to the contractor’s activities” mean when applying management measures for SINPs?

Council, Part II, 18-29 July 2022
Agenda item 14
Report of the Chair of the Legal and Technical
Commission on the work of the Commission
during the twenty-seventh session

What are the implications of not having network criteria?

Can contractors continue to mine when they discover a new sensitive ecosystem?

Management plan for the Area of the
(AR) with a focus on

Issued by the Legal and Technical Commission

Who has the right to report a new sensitive ecosystem/community? Who constitutes the marine scientific community? How big a role can they play in identify and proposing ABMTs?

activities for the benefit of humankind as a whole. At the core of ISA’s mandate lies also its duty to take all necessary measures to ensure effective protection of the marine environment from harmful effects which may arise from activities in the Area. Article 145 of the Convention requires ISA to adopt appropriate rules, regulations and procedures for, *inter alia*, the prevention,

Blanchard & Gollner (2022): A review of ABMTs



OPEN ACCESS

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SPECIALTY SECTION

Area-based management tools to protect unique hydrothermal vents from harmful effects from deep-sea mining: A review of ongoing developments

Catherine Blanchard^{1*} and Sabine Gollner^{2*}

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“Governance” Connectivity

- Creation of collaborations (ISA’s 2019-2023 Strategic Plan)
 - With other bodies?
 - With BBNJ Agreement?

EJIL:Talk!

Blog of the European Journal of International Law

[SYMPOSIA](#) [EDITORIALS](#) [EJIL: LIVE!](#) [EJIL: THE PODCAST!](#) [ANNO](#)

April 13, 2023

How could the BBNJ Agreement affect the International Seabed Authority’s Mining Code?

Written by [Samantha Robb](#), [Dr Aline Jaeckel](#) and [Dr Catherine Blanchai](#)





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Questions?

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