



Council

Distr.: General
21 July 2011

Original: English

Seventeenth session

Kingston, Jamaica

11-22 July 2011

Decision of the Council of the International Seabed Authority relating to an 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

Recalling article 145 of the Convention, which requires that necessary measures shall be taken in accordance with the 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,

Recalling also that, pursuant to article 162 of the Convention, the Council has the power to establish the specific policies to be pursued by the Authority on any question or matter within the competence of the Authority,

Recalling further that the General Assembly of the United Nations, in its resolution 63/111, reaffirmed the need for States and relevant international organizations at all levels to urgently consider ways to integrate and improve, on a scientific basis, including the precautionary approach as set out in principle 15 of the Rio Declaration on Environment and Development,² in accordance with the Convention and related agreements and instruments, the management of risks to the vulnerable marine biodiversity,

Mindful of the work of the United Nations General Assembly Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction,

Considering that the implementation of a comprehensive environmental management plan at the regional level is one of the measures appropriate and

¹ United Nations, *Treaty Series*, vol. 1833, No. 31363.

² *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol. I, Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex 1.



necessary to ensure effective protection of the marine environment of that part of the Area known as the Clarion-Clipperton Zone from harmful effects that may arise from activities in the Area and that such a plan should include provision for the establishment of a representative network of areas of particular environmental interest,

Recognizing the rights of those entities which presently hold contracts with the International Seabed Authority for exploration for polymetallic nodules in the Clarion-Clipperton Zone pursuant to the Convention, the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982³ and the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area,⁴ in particular their security of tenure over areas allocated for exploration, in accordance with their contracts,

1. *Notes* the recommendation by the Legal and Technical Commission relating to an environmental management plan for the Clarion-Clipperton Zone, as contained in document ISBA/17/LTC/7, which proposed the designation, on a provisional basis, of a network of areas of particular environmental interest and is designed to give effect to the precautionary approach, as called for by the Regulations;

2. *Requests* the Secretary-General to hold, at the earliest possible date before the next session of the Legal and Technical Commission, the workshop referred to in paragraph 42 of document ISBA/17/LTC/7, with particular attention to the issues indicated in its subparagraphs (a) to (d);

3. *Requests* the Legal and Technical Commission to further examine the proposal of an environment management plan on the basis of document ISBA/17/LTC/7 and the results of the workshop referred to in paragraph 2 above, and bearing in mind the discussions and proposals presented in this regard during the seventeenth session of the Authority, with a view to presenting a revised version of such a plan for adoption by the Authority at its eighteenth session;

4. *Recommends* that such a plan be drafted in a flexible and transparent manner so that it could be improved as more scientific, technical and environment baseline and resource assessment data are supplied by contractors and other interested bodies;

5. *Encourages* further dialogue with all stakeholders to ensure complementarity with regard to the proposed areas of particular environmental interest, the precise location of which may be reviewed;

6. *Decides* that, until an environment management plan is adopted, any application for the approval of a plan of work for exploration or exploitation in the areas of particular environmental interest referred to in paragraph 1 will be examined by the Legal and Technical Commission and the Council, taking into consideration the deliberations of the environmental management plan;

7. *Also decides* to apply this decision in accordance with the Convention, the Agreement, the Regulations and the terms of the contracts on exploration for polymetallic nodules issued in respect of the Clarion-Clipperton Zone;

³ United Nations, *Treaty Series*, vol. 1836, No. 31364.

⁴ See ISBA/6/A/18 (decision of the Assembly of the International Seabed Authority relating to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area).

8. *Encourages* the conduct of marine scientific research in the areas of particular environmental interest referred to in paragraph 1, in accordance with article 143 of the Convention, and the full and effective dissemination of the results of such research through the Authority;

9. *Requests* the Secretary-General of the International Seabed Authority to take steps to encourage the development of programmes for marine scientific research in the Clarion-Clipperton Zone, including in the areas of particular environmental interest referred to in paragraph 1, for the benefit of developing States and technologically less developed States, including through the Endowment Fund for Marine Scientific Research in the Area of the Authority;

10. *Also requests* the Secretary-General to communicate this decision to members of the Authority, observers to the Authority and relevant international organizations.
