



## Council

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### **Draft decision of the Council 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,<sup>1</sup>

*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,<sup>2</sup> 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 Ad Hoc Open-ended Informal Working Group of the General Assembly 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 necessary to ensure effective protection of the marine environment of that part of

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<sup>1</sup> United Nations, *Treaty Series*, vol. 1833, No. 31363.

<sup>2</sup> *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.



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 1982<sup>3</sup> and the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area,<sup>4</sup> in particular their security of tenure over areas allocated for exploration, in accordance with their contracts,

*Taking into account* the note by the secretariat on the status of the environmental management plan for the Clarion-Clipperton Zone,<sup>5</sup>

1. *Approves* the environmental management plan for the Clarion-Clipperton Zone as recommended by the Legal and Technical Commission,<sup>6</sup> to be implemented over an initial three-year period, which includes the designation, on a provisional basis, of a network of areas of particular environmental interest, and gives effect to the precautionary approach as called for by the Regulations;<sup>4</sup>

2. *Decides* that the plan will be applied in a flexible manner so that it may be improved as more scientific, technical and environmental baseline and resource assessment data are supplied by contractors and other interested bodies;

3. *Requests* the Legal and Technical Commission to make recommendations, where appropriate, to the Council relating to the network of areas of particular environmental interest, on the basis of the results of workshops<sup>7</sup> with a view to redefining, where necessary, the details of the size, location and number of required areas of particular environmental interest;

4. *Also requests* the Legal and Technical Commission to report to the Council on the implementation of the environmental management plan;

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, for a period of five years from the date of the present decision or until further review by the Legal and Technical Commission or the Council, no application for approval of a plan of work for exploration or exploitation should be granted in areas of particular environmental interest referred to in paragraph 1 above;

7. *Also decides* to apply the present decision in accordance with the Convention,<sup>1</sup> the Agreement,<sup>3</sup> the Regulations<sup>4</sup> and the terms of the contracts on exploration for polymetallic nodules issued in respect of the Clarion-Clipperton Zone;

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<sup>3</sup> United Nations, *Treaty Series*, vol. 1836, No. 31364.

<sup>4</sup> See ISBA/6/A/18, annex.

<sup>5</sup> ISBA/18/C/11.

<sup>6</sup> ISBA/17/LTC/7.

<sup>7</sup> See ISBA/17/LTC/7, para. 42 and ISBA/18/C/20, para. 20.

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 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 the present decision to members of the Authority, observers to the Authority and relevant international organizations.

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