

# **ISA, ICPC and Submarine Cables**

**Center for International Law & International Cable  
Protection Committee,  
National University of Singapore  
April 14-15, 2011**

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# The ISA, ICPC and Submarine Cables

## *Outline*

ISA structure and areas of responsibility

Fundamental principles and sources of law

ISA – ICPC: Memorandum of Understanding

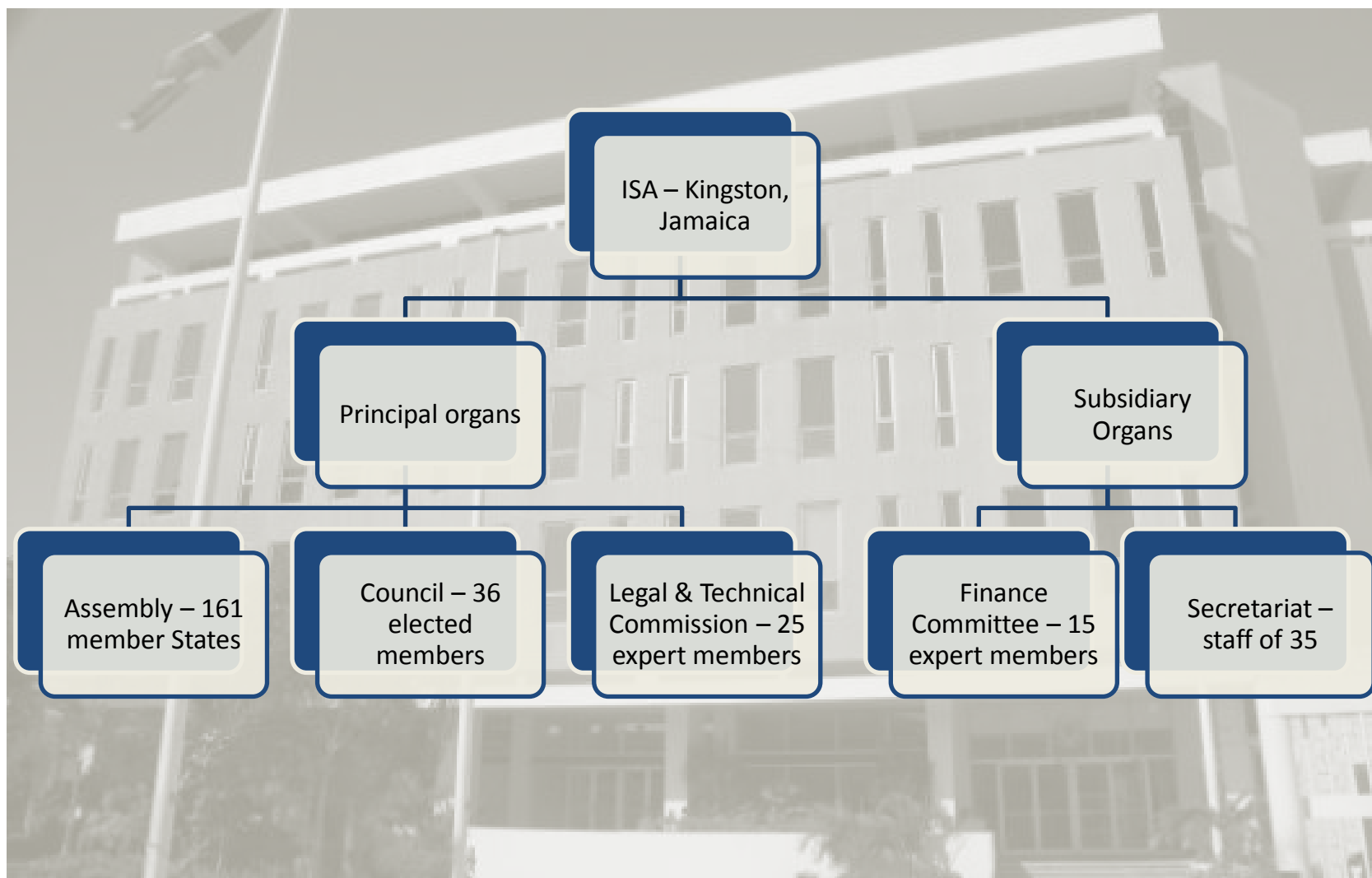
Submarine cables and deep seabed mining

Available information and data



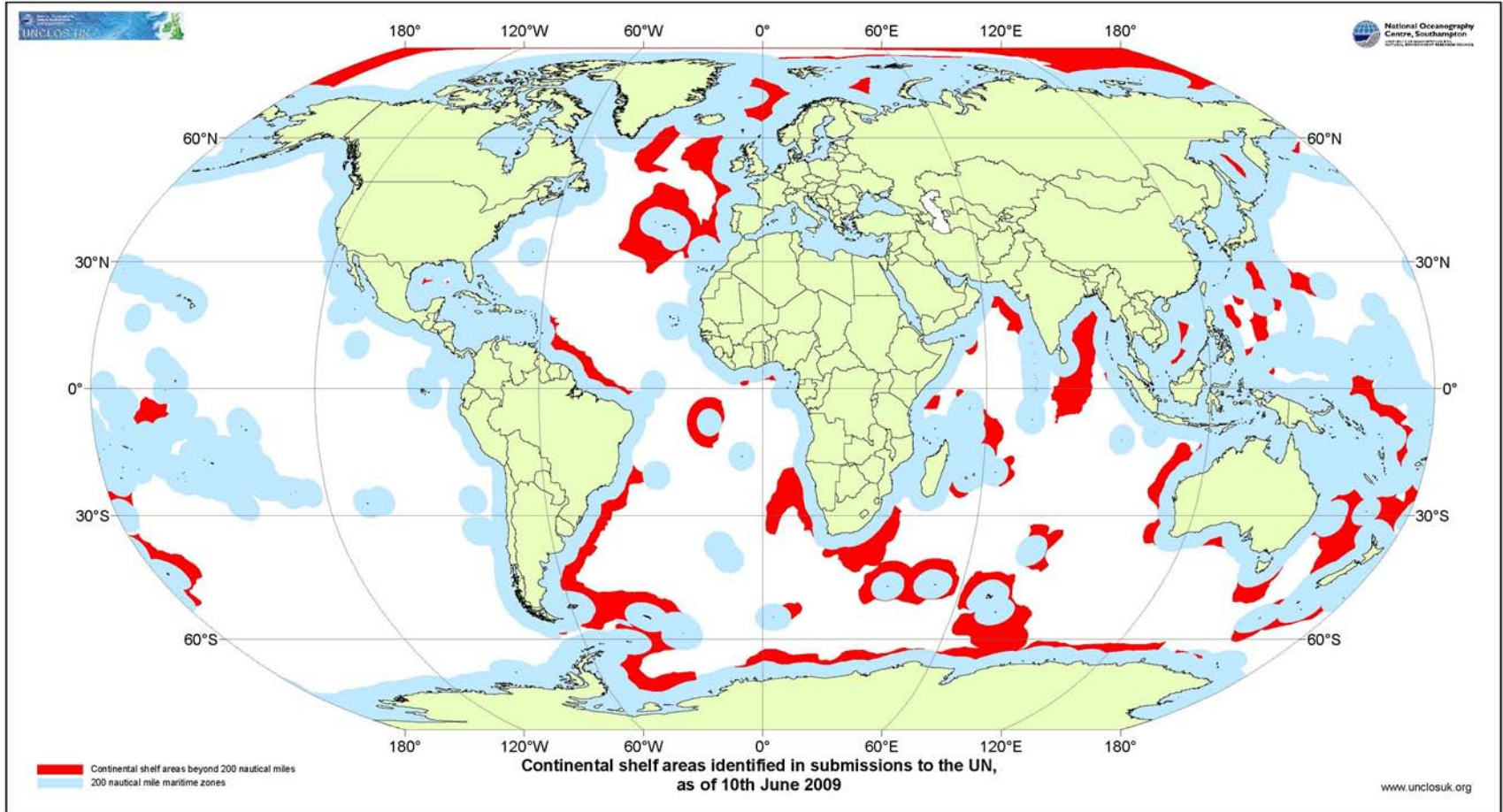
# Structure

## *ISA Structure and areas of responsibility*



# The “Area”

## International Seabed Authority

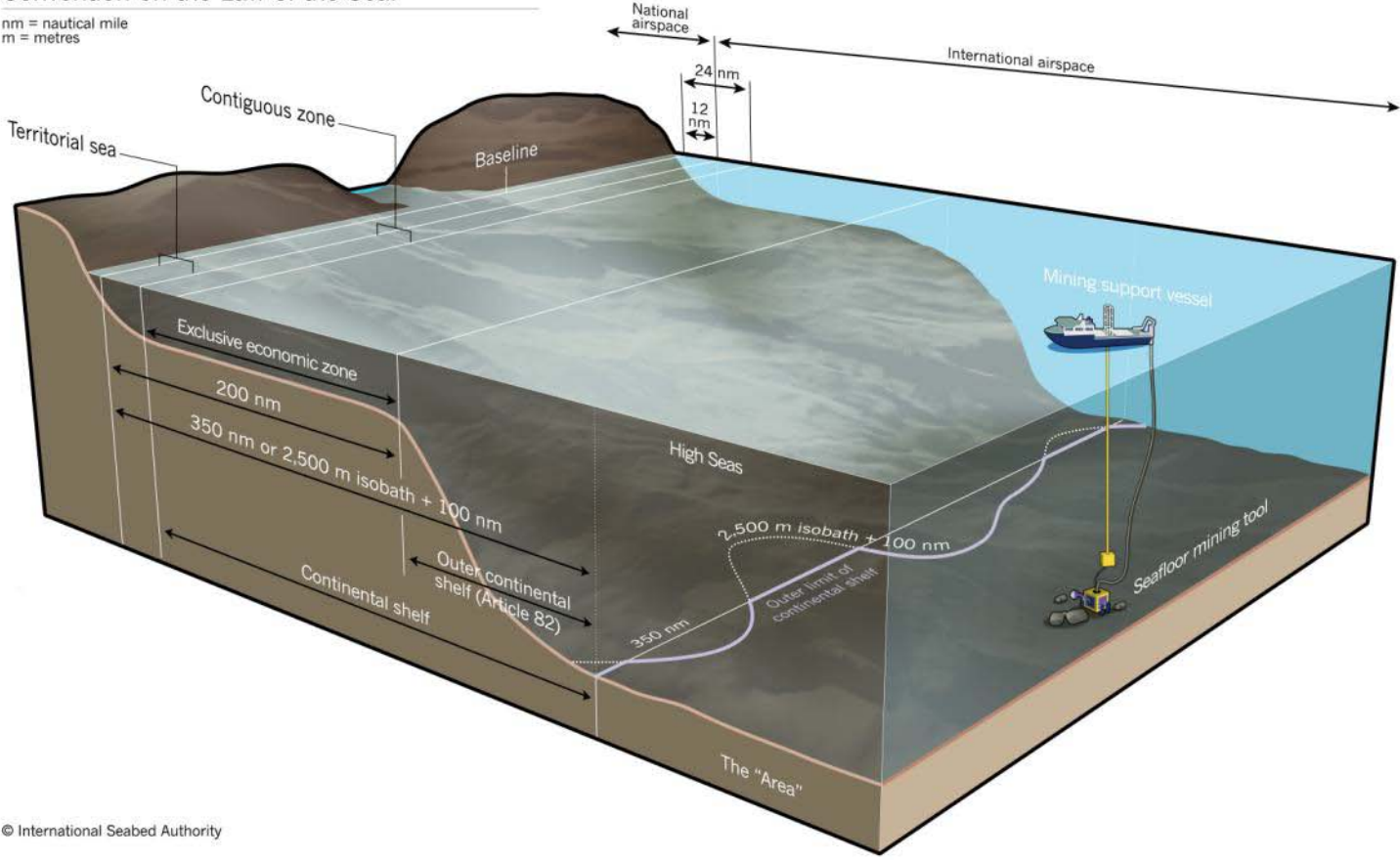


# Maritime Zones

## International Seabed Authority

Maritime space under the 1982 United Nations Convention on the Law of the Sea.

nm = nautical mile  
m = metres



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# Responsibilities

## *ISA Structure and areas of responsibility*

Rules, regulations and procedures for the conduct of activities in the Area (prospecting, exploration and exploitation).

Entry into contracts and applications

Assessment of prospecting data

Administration of the resources of the Area

Article 143 – Marine scientific research

Article 145 – Protection and preservation of marine environment



# Responsibilities

## *ISA Structure and areas of responsibility*

Current status of rules, regulations and procedures for the conduct of activities in the Area (prospecting, exploration and exploitation).

### Polymetallic Nodules

- Rules and regulations exist for prospecting and exploration
- No rules and regulations exist for exploitation

### Seafloor Massive Sulphides

- Rules and regulations exist for prospecting and exploration
- No rules and regulations exist for exploitation

### Ferro-manganese Cobalt Rich Crusts

- Draft rules and regulations exist for prospecting and exploration
- No rules and regulations exist for exploitation



# Responsibilities

## *Environmental considerations, Regulations 31-37*

*Reg 31 & 34 (1): The Authority shall, in accordance with the Convention and the Agreement, establish and keep under periodic review environmental rules, regulations and procedures to ensure effective protection for the marine environment from harmful effects which may arise from activities in the Area.*

*Reg 31 & 34 (2): In order to ensure effective protection for the marine environment from harmful effects which may arise from activities in the Area, the Authority and sponsoring States shall apply a precautionary approach, as reflected in principle 15 of the Rio Declaration, and best environmental practices.*

### The Authority

- Establish and keep under review environmental rules, regulations and procedures.
- Apply a precautionary approach.
- Develop and implement programmes for monitoring and evaluating impacts of mining on marine environment.

### The Contractor

- Include environmental information with application (Reg. 20).
- Take necessary measures to prevent, reduce and control pollution and other hazards to the marine environment, applying a precautionary approach and best environmental practices.
- Cooperate with Authority in establishment and implementation of monitoring and evaluation programmes.
- Gather environmental baseline data and establish baselines, taking account of any recommendations issued by the Legal and Technical Commission.
- Report annually to the Authority.

### The Legal and Technical Commission

- Make recommendations to Council on implementation of Regulation 31 & 34 (1) and (2).
- Consider annual reports of contractors.
- Issue Recommendations for Guidance of Contractors.
- Apply Regulation 31 & 34 (4).
- Other powers under article 165.





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## *Outline II*

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# Fundamental principles and sources of law

## *International Seabed Authority*

1982 UN Convention on the Law of the Sea , Part XI and Annex III

1994 Implementation Agreement relating to the Implementation of Part XI of the 1982 Convention

Other rules of International law are not incompatible with the Convention

Rules, regulations and procedures of the International Seabed Authority

All rights in the resources of the Area are vested in mankind as a whole on whose behalf the Authority acts.

It is the organization through which States Parties organize and control activities in the Area, particularly with a view towards administering resources in the Area.



# Fundamental principles and sources of law

## *UNCLOS, Part XI, The Area*

Article 136 – The Area and its resources are the common heritage of mankind.

Article 137 – No State shall claim or exercise sovereignty or sovereign rights over any part of the Area or its resources.

All rights in the resources of the Area are vested in mankind as a whole (represented by the ISA) and no State or natural or juridical person shall exercise mineral rights except in accordance with Part XI.

Article 140 – Activities in the Area shall be carried out for the benefit of mankind as a whole.

Article 141 – The Area shall be open to use exclusively for peaceful purposes by all States.

Article 157 - Nature and fundamental principles of the Authority. (1)The Authority is the organization through which States Parties shall, in accordance with this Part, organize and control activities in the Area, particularly with a view to administering resources in the Area.



# The ISA, ICPC and Submarine Cables

## *Outline III*

ISA structure and areas of responsibility

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# Memorandum of Understanding

*ISA – ICPC*

MOU date of effect 25 February 2010

- 
- To consult, where appropriate and practical, on issues of mutual interest, with a view to promoting or enhancing a better understanding of their respective activities;
- 
- To invite each other's representatives to attend and participate in the meetings of their respective governing bodies as observers in accordance with the rules of procedures of such bodies;
- 
- To exchange where practicable, or to facilitate by direct liaison with the owners of international cable systems, information on cable routings and prospecting and exploration areas, subject to confidentiality provisions;
- 
- To cooperate, where appropriate and practical, in the collection of environmental data and information and, where possible, to exchange standardized data and information;



# Memorandum of Understanding

*ISA – ICPC*

- 
- To conduct, where appropriate, cooperative studies and seminars;
- 
- To invite each other's representatives to participate in relevant meetings of experts and workshops;
- 
- That this memorandum of understanding is without prejudice to agreements concluded by either party with other organizations and programmes;
- 
- That the cooperation between the two organizations referred to herein is subject to the requirements of confidentiality of data and information imposed upon the Authority by the Convention, the Agreement and the relevant rules, regulations and procedures of the Authority in respect of data and information submitted to it by applicants and contractors for exploration and exploitation in the Area and upon the ICPC in accordance with its rules, articles and member approval as provided therein;



# The ISA, ICPC and Submarine Cables

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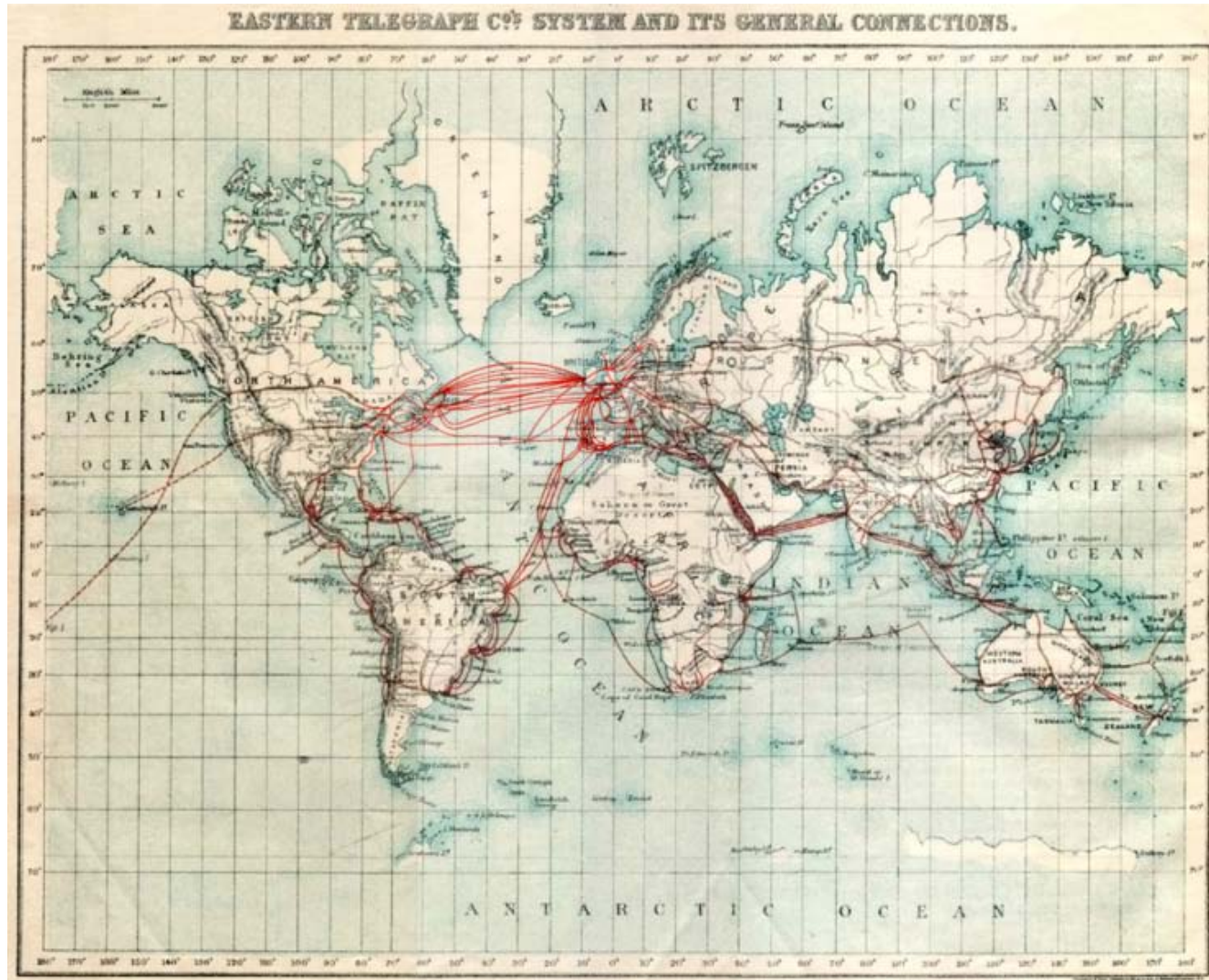
Submarine cables and deep seabed mining

Available information and data



# Submarine cables and deep seabed mining

*1901 world submarine cable infrastructure*





# Submarine cables and deep seabed mining

## *Submarine cable repair*

Cable repair operations



Mining operation



Cable maintenance ROV

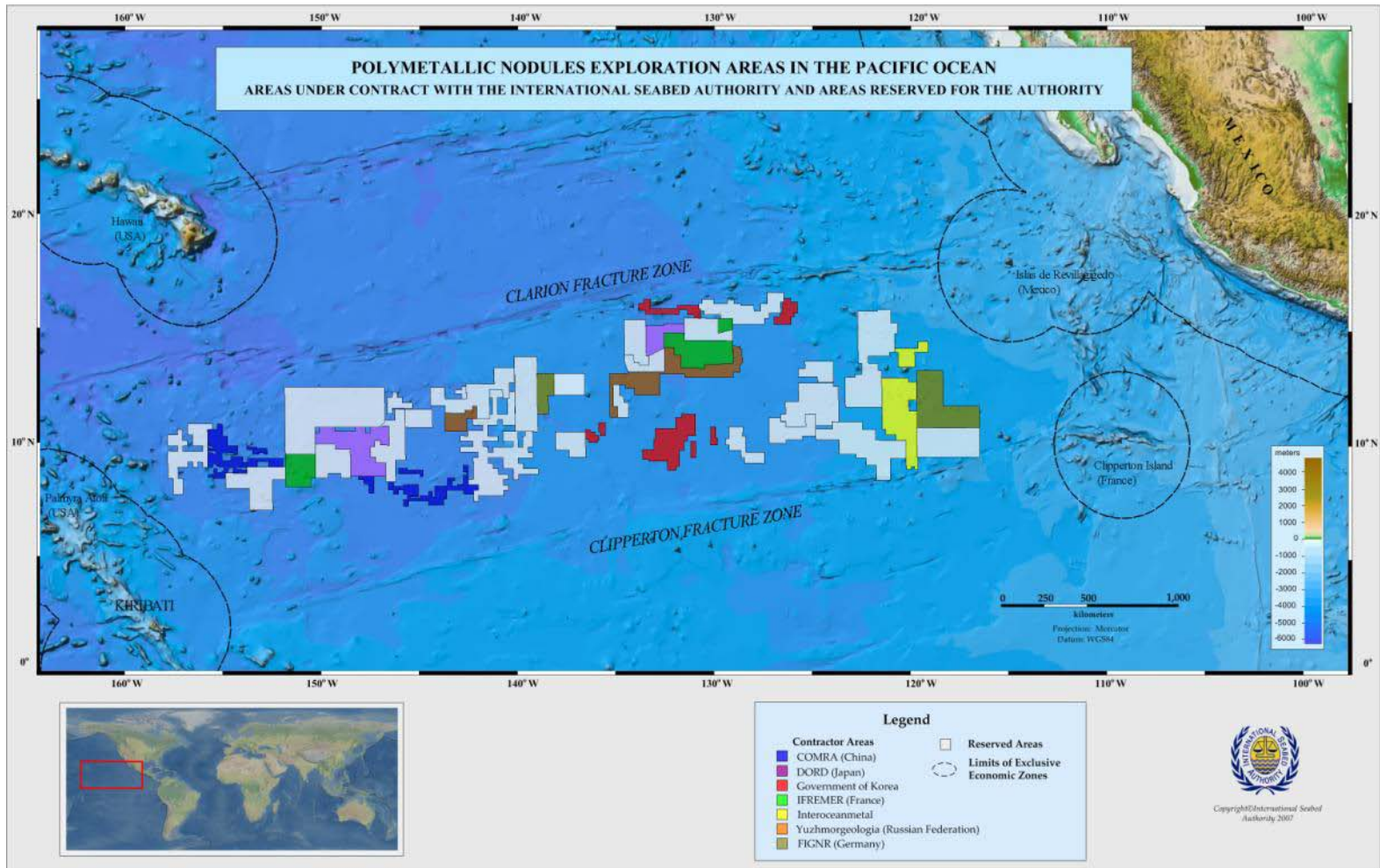


Nodule collector



# Submarine cables and deep seabed mining

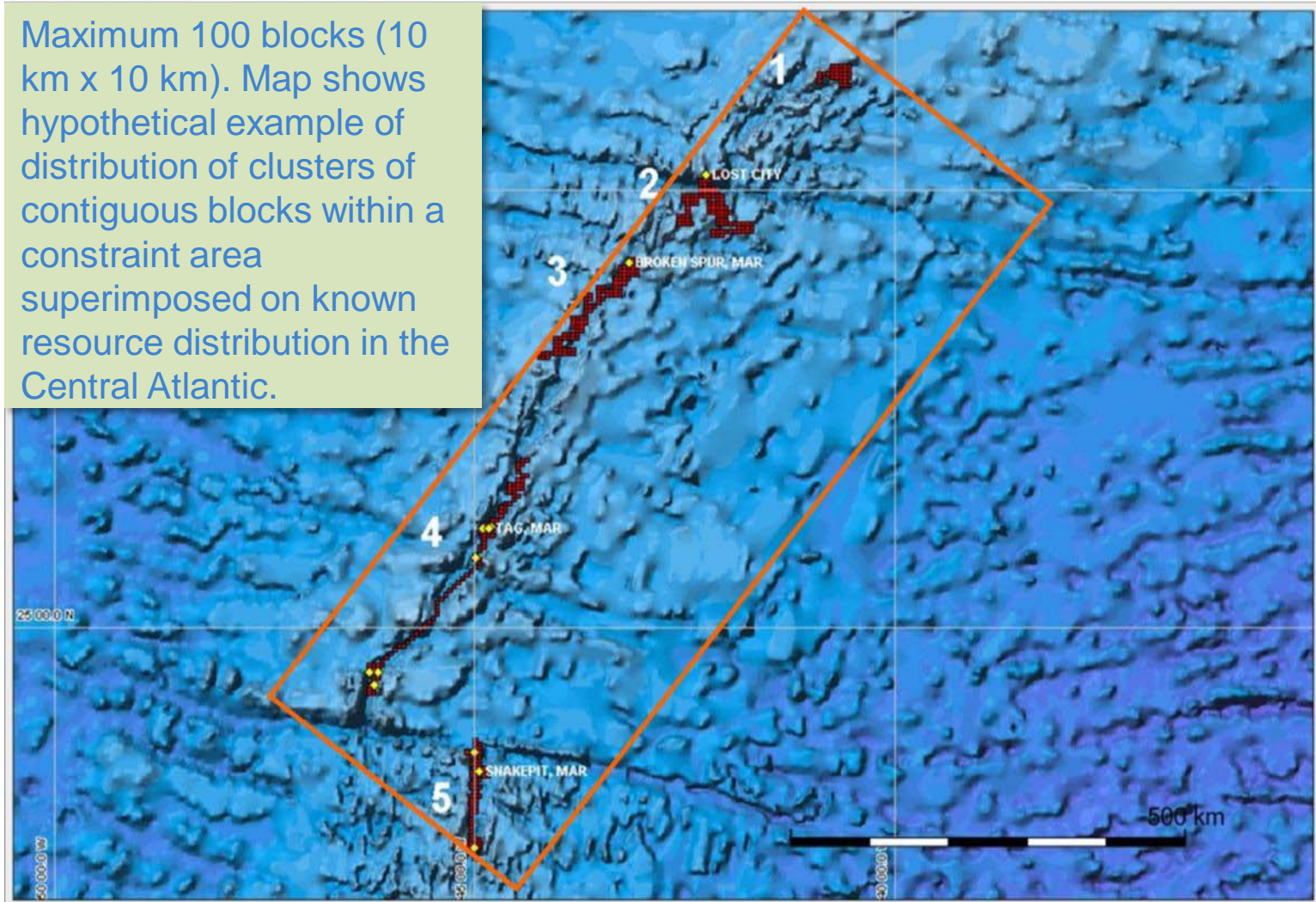
## Clarion Clipperton Zone Areas



# Submarine cables and deep seabed mining

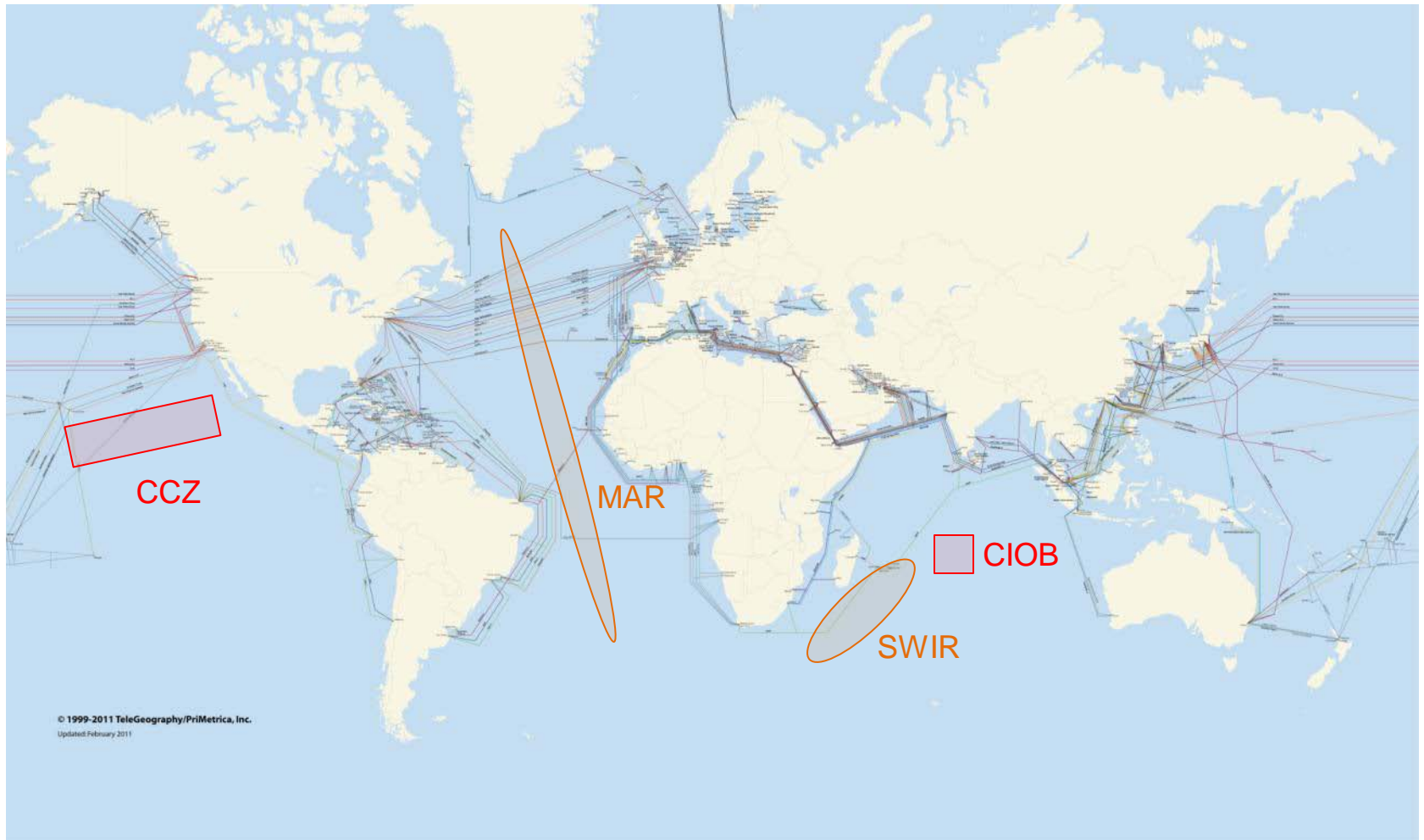
## *Central Atlantic Examples*

Maximum 100 blocks (10 km x 10 km). Map shows hypothetical example of distribution of clusters of contiguous blocks within a constraint area superimposed on known resource distribution in the Central Atlantic.



# Submarine cables and deep seabed mining

*2011 world submarine cable infrastructure and potential ISA claim areas*



# The ISA, ICPC and Submarine Cables

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# Publications

## *Assorted legal, technical and administrative*

The ISA produces publications that include the Selected Decisions and Documents of the Annual Sessions plus a supporting annual Handbook. The ISA also creates technical studies and detailed reports from every workshop. To date the ISA has created the following documentation which can be viewed on the ISA web site @ <http://www.isa.org.jm/en/documents/publications>

- 16 – Selected Decisions and Document sets from the Annual Sessions
- Authority Handbook, updated annually
- 6 – Technical Studies
- 8 – Workshop Reports, published
- 3 – Workshop Reports, in press
- 14 – ISA General Documents, includes, inter alia, rules of procedure for different organs of the Authority.
- Quarterly newsletter (7 issues)



# Available Data Sets

## *Central Data Repository*

### Databases pertaining to the Area and the ISA responsibilities

- Polymetallic Nodules
  - Samples Analysis
  - Major Elements Table
- Ferromanganese Cobalt Rich Crusts
  - Sample Analysis Table
    - Major Elements
    - Reduced Data Set – All Elements
  - Major Elements Table
- Sulphides and Vents Database - A number of different types of seafloor hydrothermal systems and associated seafloor mineral deposits are recognized. These are grouped into 6 categories according to deposit type or the nature of the associated hydrothermal venting.
- Web GIS – Atlas of the International Seabed Area and its Resources
- Bibliographic
- Patents



***Thank you!***

