Draft Regulations on prospecting and exploration for
Polymetallic Nodules in the Area

Proposed by the Legal and Technical Commission

Preamble

In accordance with the United Nations Convention on the Law of the Sea, the seabed and ocean floor and subsoil thereof beyond the limits of national jurisdiction, and its resources, are the common heritage of mankind. All rights in such resources are vested in mankind as a whole, on whose behalf the International Seabed Authority acts. The objective of these Regulations is to provide for prospecting and exploration for polymetallic nodules.

PART I - INTRODUCTION

Regulation 1

Use of terms

1. For the purposes of these Regulations:

   (a) “activities in the Area” means all activities of exploration for, and exploitation of, the resources of the Area;


   (c) “approved plan of work” means a plan of work which has been approved by the Council in accordance with these Regulations;

   (d) “Area” means the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction;

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(e) "Authority" means the International Seabed Authority;

(f) "coordinates" means a list of the geographical coordinates of points in accordance with the most recent generally accepted international standard used by the Authority;

(g) "contractor" means a State or entity which has entered into a contract with the Authority to carry out activities in the Area and includes the Enterprise when it has entered into such a contract with the Authority;


(i) "Council" means the Council of the Authority;

(j) "Commission" means the Legal and Technical Commission, which is an organ of the Council;

(k) "Enterprise" means the organ of the Authority provided for in the Convention;

(l) "entity" means a natural or juridical person or persons or a group of such persons which possess the nationality of States Parties to the Convention or are effectively controlled by such States or their nationals, when sponsored by such States;

(m) "exploitation" means the commercial extraction of polymetallic nodules in the Area, including the construction and operation of mining, processing and transportation systems for the production of minerals;

(n) "exploration" means searching for deposits of polymetallic nodules in the Area with exclusive rights, the analysis of such deposits, the testing of collecting 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;

(o) "guidelines" means technical or administrative guidelines for the implementation of the rules, regulations and procedures of the Authority which may be issued from time to time with the approval of the Legal and Technical Commission;

(p) "marine environment" means the physical, chemical and biological components, conditions and factors which interact and determine the productivity, state, condition and quality of the marine ecosystem, including the coastal area, the waters of the seas and oceans and the airspace above those waters, as well as the seabed and ocean floor and subsoil thereof;

(q) "polymetallic nodules" means one of the resources of the Area consisting of deep sea accretionary deposits of oxy-hydroxides of manganese and iron, which may contain inter alia nickel, copper and cobalt, found on and within an unconsolidated sediment;
(r) "prospecting" means the search for deposits of polymetallic nodules in the Area, including estimation of the composition, sizes and distributions of polymetallic nodule deposits and their economic values, without any exclusive rights;

(s) "provisional member" means a State or entity which is a member of the Authority on a provisional basis in accordance with subparagraph (a) of paragraph 12 of section 1 of the annex to the Agreement;

(t) "registered pioneer investor" means any State, state enterprise, or entity which has registered a claim with the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea pursuant to the regime for pioneer investors under resolution II of the Third United Nations Conference on the Law of the Sea;

(u) "reserved area" means the area reserved for the Authority in accordance with the Convention;

(v) "resources" means all solid, liquid or gaseous mineral resources in situ in the Area at or beneath the seabed, including polymetallic nodules;

(w) "Secretary-General" means the Secretary-General of the Authority;

(x) "serious harm to the marine environment" means any effect from activities in the Area on the living or non-living components of the marine environment and associated ecosystems 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;

(y) "State" means a State Party to the Convention and includes a State which is a provisional member of the Authority.

2. In accordance with the Agreement, its provisions and Part XI of the Convention are to be interpreted and applied together as a single instrument; these Regulations and references in these Regulations to the Convention are to be interpreted and applied accordingly.

3. These Regulations do 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.