Laws, regulations and administrative measures adopted by
sponsoring States and other members of the International
Seabed Authority with respect to the activities in the Area

Report of the Secretary-General

1. It is recalled that, on 1 February 2011, the Seabed Disputes Chamber of the
International Tribunal for the Law of the Sea delivered its advisory opinion on the
responsibilities and obligations of States sponsoring persons and entities with
respect to activities in the Area. The Chamber affirmed that the Convention requires
the sponsoring State to adopt, within its legal system, laws and regulations and to
take administrative measures that have two distinct functions, namely, to ensure
compliance by the contractor with its obligations and to exempt the sponsoring State
from liability. The existence of such laws and regulations and administrative
measures is not a condition for concluding a contract with the Authority; it is,
however, a necessary requirement for compliance with the obligation of due
diligence of the sponsoring State and for seeking its exemption from liability. The
Chamber further indicated that the national measures, once adopted, may not be
appropriate in perpetuity. Such measures should be kept under review so as to
ensure that they meet current standards and that the contractor meets its obligations
effectively without detriment to the common heritage of mankind.

2. At the seventeenth session of the International Seabed Authority, in 2011, the
Council of the Authority adopted a decision in which it requested the Secretary-
General to prepare a report on the laws, regulations and administrative measures
adopted by sponsoring States and other members of the Authority with respect to the
activities in the Area, and invited sponsoring States and other members of the
Authority, as appropriate, to provide information on, or texts of, relevant national
laws, regulations and administrative measures to the secretariat (see ISBA/17/C/20).

3. At the eighteenth session of the Authority, in 2012, in response to that request,
the Secretary-General presented to the Council a report on the laws, regulations and
administrative measures adopted by sponsoring States and other members of the
Authority with respect to the activities in the Area (ISBA/18/C/8 and Add.1). After
consideration of the report, the Council requested the Secretary-General to update,
on an annual basis, the study of the laws, regulations and administrative measures
adopted by sponsoring States and other members of the Authority with respect to
activities in the Area, and to invite, for that purpose, sponsoring States and other
members of the Authority to provide texts of relevant national laws, regulations and
administrative measures to the secretariat (see ISBA/18/C/21).

4. At the nineteenth session of the Authority, in 2013, the Secretary-General
presented to the Council an updated report on the matter (ISBA/19/C/12), which
was considered by the Council. Several delegations expressed their appreciation to
the secretariat for setting up an online database on national legislation. One
delegation emphasized that the national legislation should be in conformity with the
regulations. It was noted that, in July 2013, Fiji had promulgated the International
Seabed Mineral Management Decree 2013, which is a law to govern Fiji’s
engagement in seabed mineral activities in the Area beyond national jurisdiction and
for related matters.

5. Since the nineteenth session, Belgium has promulgated two laws, in July and
August 2013, concerning prospecting, exploration for and exploitation of the
commodities in the Area and subsoil beyond the limits of national jurisdiction.

6. On 10 March 2014, the secretariat circulated a note verbale further inviting
sponsoring States and other members of the Authority to submit to the secretariat
texts of their relevant national laws, regulations and administrative measures or
related information. However, as at the end of May 2014, no further text or
information had been received.

7. As of 30 May 2014, the following States had provided information on or texts
of relevant national legislation: Belgium, China, the Cook Islands, the Czech
Republic, Fiji, France, Germany, Guyana, Japan, Mexico, Nauru, the Netherlands,
New Zealand, Oman, the Republic of Korea, Tonga, the United Kingdom of Great
British and Northern Ireland, the United States of America and Zambia. A
submission had also been received from the South Pacific Commission on behalf of
the Pacific Islands region. Such information on or texts of national laws, regulations
and administrative measures submitted by the above-mentioned States or members
of the Authority are available on the Authority’s website (www.isa.org.jm/en/
mcode/NatLeg).

8. The secretariat will continue to keep the online database updated as new
information is received. The secretariat is also undertaking a comparative study of
the existing national legislation, with a view to analysing common elements that
may be contained in such legislation, while keeping in mind the advisory opinion of
the Chamber.

9. The Council is invited to take note of the present report.
Annex

List of the legislation

I. General


Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. Adopted 13 July 2000 (ISBA/6/A/18 dated 4 October 2000), and amended in 2013 (ISBA/19/C/17, annex, dated 22 July 2013).

Regulations on prospecting and exploration for polymetallic sulphides in the Area. Adopted 7 May 2010 (ISBA/16/A/12/Rev.1, dated 15 November 2010). Also reproduced in Selected Decisions 16, pp. 35-75.


II. National legislation

Belgium

30 July 2013 — Act introducing into the Act of 17 August 2013, on prospecting and exploration for, and exploitation of, resources of the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction, provisions regulating the matters covered by Article 77 of the Constitution.

17 August 2013 — Act on prospecting and exploration for, and exploitation of, resources of the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.

China


**Cook Islands**


Model Seabed Minerals Agreement of April 2011.

**Czech Republic**


**Fiji**

International Seabed Mineral Management Decree 2013, Decree No. 21.

**France**

Note verbale dated 22 March 2013 from the Embassy of France in Jamaica.

**Germany**


**Guyana**


**Japan**


Mexico

Report on the laws, regulations and administrative measures of Mexico on underwater mining. Submitted by the Embassy of Mexico in Jamaica on 21 December 2011.

Guide for the presentation of environmental impact statements for the mining sector and analysis of gaps and omissions in the conservation of marine biodiversity in Mexican oceans, coasts and islands of the Ministry of the Environment and Natural Resources of Mexico. Submitted by the Embassy of Mexico in Jamaica on 21 December 2011.


National environmental policy for the sustainable development of Mexico’s oceans and coasts: strategies for their conservation and sustainable use (see A/61/372, annex).

Nauru

See Pacific Islands region.

Netherlands

Note verbale dated 26 March 2013 from the Permanent Mission of the Netherlands.

New Zealand


Oman

Royal Decree No. 2011/8 regulating oil and gas exploration; and Royal Decree No. 2003/27 and Ministerial Decree No. 2011/77 regulating mineral exploration (Regulations of the Mining Act).

Pacific Islands region

Republic of Korea

Note verbale dated 2 April 2013 from the Permanent Mission of the Republic of Korea.


Tonga

See Pacific Islands region.

United Kingdom of Great Britain and Northern Ireland


Zambia

Environmental Protection and Pollution Control Act (No. 12 of 1990); and (Amendment) Act 1999 (No. 12 of 1999) — Cap 204 of the Law of Zambia.

III. Reciprocating States legislation


IV. National legislation of an observer State

United States of America


