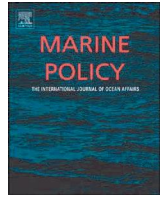




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## Exploration of polymetallic nodules in the Area: Reporting practices, data management and transparency<sup>☆</sup>



Pedro Madureira<sup>a,b,c,\*</sup>, Harald Brekke<sup>a,d</sup>, Georgy Cherkashov<sup>a,e,f</sup>, Marzia Rovere<sup>a,g</sup>

<sup>a</sup> Legal and Technical Commission of the International Seabed Authority, Kingston, Jamaica

<sup>b</sup> Estrutura de Missão para a Extensão da Plataforma Continental, Rua Costa Pinto, 165, 2770-047 PaçodArcos, Portugal

<sup>c</sup> Universidade de Évora, Instituto de Ciências da Terra, Departamento de Geociências, Rua Romão Ramalho, 59, 7000-671, Évora, Portugal

<sup>d</sup> Norwegian Petroleum Directorate, 4003 Stavanger, Norway

<sup>e</sup> VNIOkeangeologia, 1, Angliysky Avenue, St. Petersburg, Russia

<sup>f</sup> Institute of Earth Sciences, St. Petersburg State University, 7/9, Universitetskaya Emb., Saint-Petersburg, Russia

<sup>g</sup> Istituto di Scienze Marine, Consiglio Nazionale delle Ricerche, Via P. Gobetti 101, 40129 Bologna, Italy

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### ABSTRACT

The International Seabed Authority (ISA) regulates the activities related with the exploration and exploitation of seabed mineral resources in the Area, which are considered as the "common heritage of mankind" under the United Nations Convention on the Law of the Sea. The ISA has also the mandate to ensure the protection of the marine environment. The development of good practices for the annual reporting and data submission by Contractors is crucial for the ISA to comply with the sustainable development of the mineral marine resources. In 2015, the ISA issued a new template for reporting on exploration activities, which includes the definition of the format for all geophysical, geological and environmental data to be collected and analysed during exploration. The availability of reliable data contributes to improve the assessment of the ISA on the activities in the Area while promoting transparency, which is considered as a major principle of industry best practices.

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### 1. Introduction

The International Seabed Authority (ISA) is the organization through which States Parties to the 1982 United Nations Convention on the Law of the Sea (UNCLOS [1]) organize and control activities in the Area.<sup>1</sup> The ISA was created in 1994, upon the entry into force of the Convention and following the adoption of the so-called "1994 Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea" [2]. The set of activities in the Area are governed by the provisions settled in Part XI and Annex III of UNCLOS, particularly to administer the resources of the Area.<sup>2</sup> The Area is defined as "the seabed and the ocean floor and subsoil thereof, beyond the limits of national

jurisdiction". Spatially, it is constrained by the outer limits of the continental shelf of coastal states as defined in Article 76 and Annex II of UNCLOS.

As can be read from a brochure issued by the ISA,<sup>3</sup> the aims of the international regime are threefold: to encourage the development of seabed resources, to safeguard the marine environment as it may be affected by such activities, and to ensure the equitable sharing of economic benefits between seabed miners and the international community. Therefore, the Authority acts as regulator of the activities related with the exploration and exploitation of seabed mineral resources on behalf of all its members. Moreover, these resources under the Area regime are considered as the "common heritage of mankind".<sup>4</sup> The latter classification coupled with the ISA's mandate to ensure the protection of the marine environment from the harmful effects of activities occurring in the Area poses a major challenge to the ISA whose role and decisions are and will be monitored and assessed by a greater number of stakeholders (Contractors, coastal States, environmental agencies,

<sup>☆</sup>The views expressed herein are solely those of the authors and do not necessarily reflect the views of the Legal and Technical Commission of the International Seabed Authority.

\* Corresponding author at: Estrutura de Missão para a Extensão da Plataforma Continental, Rua Costa Pinto, 165, 2770-047 Paço d'Arcos, Portugal.

<sup>1</sup> In accordance with Article 156 of the Convention on the Law of the Sea of 10 December 1982.

<sup>2</sup> Article 157 of the Convention on the Law of the Sea.

<sup>3</sup> <http://www.isa.org.jm/files/documents/EN/Brochures/2014/ISAbrochure.pdf>.

<sup>4</sup> Article 136 of the Convention on the Law of the Sea.