# China, India in race to exploit Indian Ocean...

## The ISA regime: How does it operate?

An element of the regime for the international seabed area is the so-called "parallel system", whereby, in the case of polymetallic nodules, an application must be sufficiently large and of sufficient value to accommodate two mining operations of "equal estimated commercial value". One part is to be allocated to the applicant and the other is to become the reserved area. The reserved areas are set aside for activities by developing States or by the ISA through its Enterprise. Once a state party makes an application, a contract is signed after assessment by the Legal and Technical Commission and approved by the Council of the ISA.

Contractors have signed exploration deals with the ISA within areas in the Clarion-Clipperton Fracture Zone, the Central and Southwest Indian Ocean, in the central part of the Atlantic Ocean and in the Mid-Atlantic Ridge. At present, there are two areas being explored — that of the Clarion-Clipperton Fracture Zone near Hawaii and in the Central Indian Basin of the Indian Ocean. For sulphides, exploration takes place in the Southwest Indian Ridge and in the Mid-Atlantic Ridge.

For the exploration of nodules, the area for exploration allocated to the contractor is each of 75,000 sq. km. For sulphides, the exploration area allocated to the contractor is 10,000 sq. km and consists of 100 blocks of 100 sq. km each.

## Regulatory code

The "Mining Code" refers to the whole of the comprehensive set of rules, regulations and procedures issued by the ISA to regulate prospecting, exploration and exploitation of marine minerals in the international seabed Area. All rules, regulations and procedures are issued within a general legal framework established by the 1982 United Nations Convention on the Law of the Sea and its 1994 Implementing Agreement relating to deep seabed mining.

To date, the ISA has issued Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area (adopted 13 July 2000) which was later updated and adopted on July 25 this year; the Regulations on Prospecting and Exploration for Polymetallic Sulphides in the Area (adopted May 7, 2010) and the Regulations on Prospecting and Exploration for Cobalt-Rich Crusts (adopted July 27, 2012).

These regulations include the forms necessary to apply for exploration rights as well as standard terms of exploration contracts. The complete set of these regulations will form part of the Mining Code together with recommendations by the Authority's Legal and Technical Commission for the guidance of contractors on the assessment of the environmental impacts of exploration for polymetallic nodules.

## Conclusion: What is Sri Lanka's take?

It is important that Sri Lanka begins to engage in deep seabed matters through ISA in its foreign policy deliberations - for its own benefit, protection and future survival. Even in maritime workshops and conferences, deep seabed resources and its policy aspects are hardly discussed, even less on foreign policy deliberations and marine security discussions.

Cynics may claim that Lanka is too poor to engage in such issues, but it is the considered view that for its future survival, Sri Lanka should play a far more engaged role on ISA deliberations through its foreign policy and raise its concerns. But who cares? Today, hardly few knows what ISA is, leave alone to have a permanent representative to represent us, regularly. When all this was happening; when China and India made applications, where were we? Even the advisory and policy papers on maritime affairs have not touched on this aspect. It seems that Sri Lanka, when all this is brewing, has lost without a fight.

*The writer is an attorney-at-law, Chartered Shipbroker (UK) and Nippon Fellow of the UN ITLOS (International Tribunal for the Law of the Sea)*

## Polymetallic Nodules and Polymetallic Sulphides Exploration Areas in the Indian Ocean
### Areas under contract or approved by the International Seabed Authority
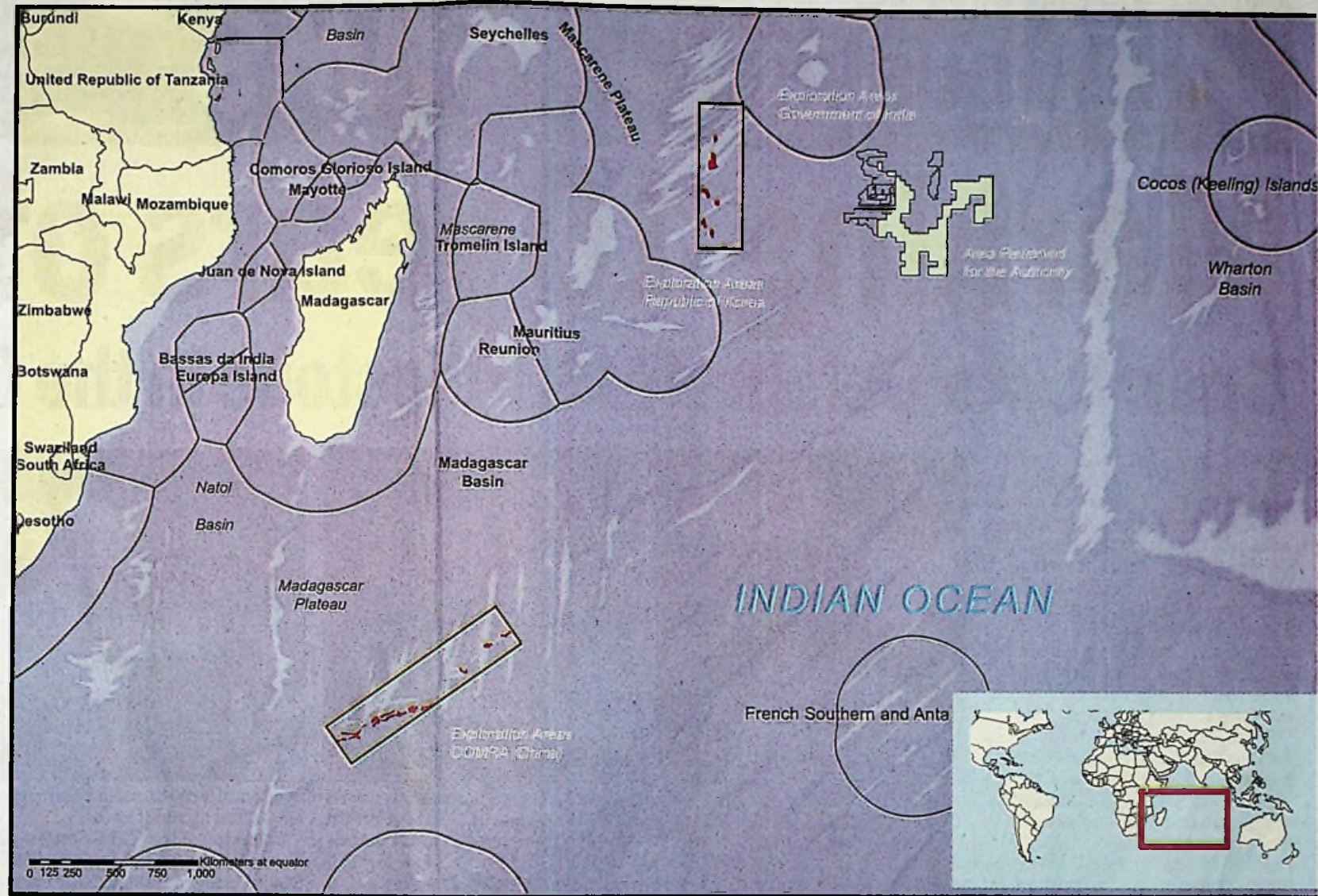


- ———— Exclusive Economic Zones (Zones 2011)
- ■ Exploration block (approx. 10x 10km)
- ■ Polymetalic Nodules Exploration Area
- ■ Confinement area containing 100 polymetallic sulphides exploration blocks*
- ■ Area reserved for the Authority

* According to the Regulations on prospecting and exploration for polymetallic sulphides, a maximum of 100 exploration blocks ( not exceeding 100sq. km) must be arranged in clusters with at least five contiguous blocks. Custers need not to be contiguous, but shall be confined within a rectangular area, where the longest side does not exceed 1,00km.