



# Book - Unit 6 - Offshore Hydrocarbon and Mineral Recovery

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Site: UNITED NATIONS INFORMATION PORTAL ON MULTILATERAL ENVIRONMENTAL AGREEMENTS

Course: Introductory Course to the International Legal Framework on Marine Pollution

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# 1. Global instruments

UNCLOS article 208(3) expresses a general obligation to prevent marine pollution from offshore activities and to ensure that national measures are no less effective than international measures.

In 1979, the IMO adopted a Code for Construction and Equipment of Mobile Offshore Drilling Units. A convention on Civil Liability for Oil Pollution Damage resulting from Oil and Gas Exploration and Exploitation of Seabed Mineral Resources was adopted in 1977 but has not come into force.

## 2. Regional instruments

Regional standards have been adopted in North West Atlantic, where various bilateral agreements have been adopted, especially for dealing with emergencies (e.g., Norway-UK, Canada-Denmark).

The various UNEP regional conventions create a general obligation to prevent pollution from offshore activities. Within the Framework of the Barcelona Convention, the Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (Offshore Protocol) was adopted in 1994.

### 3. Deep Seabed Mining

Deep seabed mining may become soon a source of marine pollution. Most metals and rare-earth elements found in the deep seabed (or The Area) are used by the high-tech and green-tech industries. The Area covers the entire seabed beyond the limits of national jurisdiction and it is considered by the UNCLOS as common heritage of mankind.

Exploration and exploitations permits are to be formulated by the International Seabed Authority (ISA), an autonomous body established in accordance with part XI of UNCLOS and the 1994 Agreement relating to the Implementation of Part XI of UNCLOS. As of March 2014, ISA has granted 19 exploration licenses in international waters and the first mine is ready to start its operations in the jurisdictional waters of Papua-New Guinea.

The ISA has formulated a Mining Code for deep seabed operations, which includes rules, regulations and procedures to regulate prospecting, exploration and exploitation of marine minerals in the Area, such as, Regulations on Prospecting and Exploration for Polymetallic Nodules, Regulations on Prospecting and Exploration for Polymetallic Sulphides and Regulations on Prospecting and Exploration for Cobalt-Rich Crusts.