

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> SESSION:  
COUNCIL - PART I

*Informal Working Group – Institutional Matters*

**(for inclusion in the IWG-Institutional Matters (IM) consultations, due 29 April 2022)**

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to [council2022@isa.org.jm](mailto:council2022@isa.org.jm).

1. Name(s) of Delegation(s) making the proposal:

**Advisory Committee on Protection of the Sea**

2. Please indicate the relevant provision to which the textual proposal refers.

**Part 2 Consideration of applications ... Draft Regulation 12 General – para 3**

3. Kindly provide the proposed amendments to the regulation in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.

**CHANGE current proposed text in ISBA/25/C/WP.1 (2019) DR 12 para 3 as follows:**

DR 12 General

3. The Commission shall, in considering a proposed Plan of Work, apply the Rules of the Authority in a uniform and non -discriminatory manner, and shall have regard to the principles, policies and objectives relating to activities in the Area as provided for in Part XI and annex III of the Convention, and in the Agreement, ~~and in particular the manner in which the proposed Plan of Work contributes to realizing benefits for mankind as a whole.~~

4. Please indicate the rationale for the proposal. [150 word limit]

Please see ISBA/25/C/WP.1- comments/ACOPS/23SEP2019 on ISA website for full text, summarized here. Art. 150(i) is misquoted. "The development ... whole" requires definition for implementation and enforcement. Requiring only a Plan of Work (POW) to satisfy Art. 150(i) is incompatible with the LOSC, which subjects activities in the Area to many criteria and offers no legal basis for singling out one criterion for compliance in evaluating these POWs. Art. 150 provides "policies relating to activities in the Area", not just exploitation. Art. 150(i) must apply to *all* POWs, including for exploration: it is not subject to specific evaluation for this criterion under the current *Exploration* Regulations. Art. 150(i) cannot be applied "uniformly" (LOSC Annex III Art. 17(1)) or in a "non-discriminatory" (LOSC Annex III Art. 6(3)) manner, because each POW application involves new (e.g., economic, environmental, technological and commercial) circumstances.