

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

Informal Working Group – Environment

(for inclusion in the IWG-ENV consultations, due 15 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.

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.

Draft Regulation 51(b) Compliance with the Environmental Management and Monitoring Plan

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.

DELETE from current proposed text ISBA/27/C/IWG/ENV/CRP.1 (8 Feb 2022) DR 51(b)

“Implement all applicable ~~Mitigation~~ and management measures”

REPLACE “Mitigation” in current proposed text DR 51(b) with:

“... prevention, reduction, control ...”

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

As explained in detail in ACOPS Proposal IWG ENV PartIV DR45(c), ‘mitigate’ appears only once in the LOSC, in Article 142(3), in relation to coastal state rights under specifically defined circumstances. Please refer to that Proposal.

In short: the use of ‘mitigate’ here, and everywhere else it appears in these draft regulations, is incompatible with the LOSC, fails to adequately protect the marine environment as the LOSC requires, and makes the regulations vulnerable to legal challenge. It must be replaced throughout (not all occurrences are identified in our comments) with ‘prevent, reduce and control’ (or grammatically correct variants thereof).