

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 53 para 2 Emergency Response and Contingency Plan

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.

ADD to current proposed text ISBA/27/C/IWG/ENV/CRP.1 (8 Feb 2022) DR 53 para 2

“... guidelines to **prevent, reduce and** control **pollution and other** hazards **to the marine environment, including the coastline,** throughout the mining life cycle

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

The LOSC does not limit the required action with regard to ‘hazards’ to ‘control’. It requires ‘prevention, reduction and control,’ in that order. The guidelines must address all three required actions.

‘Hazards’ cannot be singled out for Emergency Response and Contingency Plans under the LOSC. LOSC Article 145 is clear that such Plans must include pollution, and the coastline.

Failure to address these issues in the regulations would be incompatible with the LOSC because the full scope of its environmental provisions would remain unimplemented as required and render the regulations vulnerable to legal challenge.