

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 59 para 2(e) Closure 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.

DELETE from current proposed text ISBA/27/C/IWG/ENV/CRP.1 (8 Feb 2022) DR 59 para 2 (e)

“... including plans for further ~~Mitigation or remediation where appropriate...~~”

REPLACE current proposed text with:

“... including plans for further prevention, reduction, control and, where appropriate, remediation ...”

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

The LOSC requires ‘prevention, reduction and control,’ in that order, as set out in, e.g., LOSC Article 145. The Closure Plan must cover at least all the required actions.

‘Mitigation’, as explained in detail in, e.g., ACOPS Proposal IWG ENV PartIV DR45c, must be removed from the draft regulations entirely, unless the regulations are dealing with the circumstances set out in LOSC Article 142, and replaced with the correct language.

Failure to address the above issues 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.