

## TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:

### COUNCIL - PART –2

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete.

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

**African Group of 47 Members**

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

**44**

3. Kindly provide the proposed amendments to the regulation or standard or guideline 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.

1. The Authority, sponsoring States, flag States, the Enterprise and Contractors shall **each**, within their respective competence, adopt, plan, implement and modify measures necessary for ensuring effective protection of the Marine Environment, **including [rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species] and other forms of marine life**, from harmful effects ~~[directly resulting from Exploitation in the Area or from shipboard dewatering immediately above a mine site of minerals derived from that mine site,]~~ ~~[which may arise from activities in the Area],~~ **in accordance with the Rules of the Authority, Standards and Guidelines referred to in regulation 45 and the applicable Regional Management Environmental Plan.** To this end:

...

(a)(i) Apply the precautionary [approach] ~~[principle], as reflected in principle 15 of the Rio Declaration on Environment and Development~~ and the **ecosystem-based management approach** to the assessment and management of risk **of harm** to the Marine Environment from Exploitation in the Area;

...

(a)(iv) **Ensure** accountability and transparency in the assessment, evaluation and management of Environmental Effects **and risks** from Exploitation in the Area, including through Stakeholder **participation** and the timely **public** release of ~~relevant~~ environmental data and information **at regular intervals and in an accessible format through the Authority’s website.**

...

**(iv)bis** Take into account the approach that the polluter should, ~~in principle,~~ bear the cost of pollution, endeavour to promote practices whereby those engaged in exploitation activities bear the cost of meeting the pollution prevention and control requirements for the authorized activities, having due regard to the public interest.

...

(c) In taking necessary measures to prevent, reduce and control pollution and other hazards to the Marine Environment, **including the coastline, and of interference with the ecological balance of the Marine Environment** arising from Exploitation in the Area, the Enterprise and Contractors shall implement, mutatis mutandis, the measures set out under paragraph (a)(i) to (iii) above and demonstrate accountability and transparency in the assessment, evaluation and management of Environmental Effects **and risks** from Exploitation in the Area, including through Stakeholder **participation** and the timely **public** release of environmental data and information **on their respective activities at regular intervals and in an accessible format. In so doing, the Enterprise and Contractors shall apply a priority order to avoid, minimize, mitigate, and remediate restore, and as a last resort, offset where agreed,** harm to the marine environment. **as well as adapt the necessary measures to newly emerged information and data.**

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

We appreciate that the separation of responsibilities by major actors remains in this new Facilitator's text. Adding flag states into this separation also seems constructive.

We welcome that inclusion of the text "rare and fragile ecosystems and habitat of depleted, threatened or endangered species and other forms of marine life".

We suggest to remove the word 'directly' so as to have no confusion that it also includes indirect effects resultant from exploitation.

We also welcome the ongoing consideration of the wording detailing harmful effects which may arise alongside Exploitation in the Area. However, we do not support the addition of the new text "or from shipboard processing immediately above a mine site of minerals derived from that mine site". 'Exploitation' is a defined term that includes processing at the site, making this additional text redundant.

We also welcome the inclusion of 'guidelines' in this text. However, we note that 'Standards' have now been removed. These should be reinstated.

Regarding para (1)(a)(i); In terms of the precautionary approach, we would like to note that the Fish Stocks agreement refers to 'the precautionary approach' but does not refer to the Rio Declaration. Following suit here and deleting the reference to the Rio Declaration would allow an evolutive interpretation of the precautionary approach by the ISA over time.

Regarding 1(c) and the use of offset, we feel that it should be included as a potential last-resort option in the regs for completeness of the mitigation hierarchy, and for future proofing the regs as knowledge and technology develops with time. We do, however, feel that a wider conversation is needed regarding what 'offsetting' actually entails and under what circumstances it might be allowed, this could be elaborated on in the EIA Standard