

Facilitator's Briefing note for the third meeting of the Informal Working Group on the Protection and Preservation of the Marine Environment

Kingston, 31 October – 11 November 2022

I. Introduction

1. This briefing note is prepared to assist participants by outlining the main issues for consideration and the scope of work during the meeting on 1-3 November 2022 of the Informal Working Group on the Protection and Preservation of the Marine Environment ("Informal Working Group") with a view to further advance the work on the protection and preservation of the marine environment and make appropriate recommendations to the Council in its ongoing negotiations of the draft regulations on exploitation of mineral resources in the Area ("Draft Regulations") according to the roadmap on the Draft Regulations in 2022 ([ISBA/26/C/13/Add.1](#)).

2. Delegations and observers will recall that I provided my revised draft text for the meeting in July 2022 ([ISBA/27/C/IWG/ENV/CRP.1/Rev.1](#)). At the meeting of the Informal Working Group in July 2022, delegations and observers discussed the draft and did conduct a reading of Draft Regulations 44-55. During the session in November 2022, the reading of the revised text will resume from Draft Regulations 56-61 and then continue with the relevant annexes.

II. Structure of the text

3. I will remind delegations and observers that the structure of the facilitator's revised text is composed of four elements:

- (a) Part IV Protection and preservation of the Marine Environment (Regulations 44-61);
- (b) Annex (III bis) Scoping Report;
- (c) Annex IV Environmental Impact Statement; and
- (d) Annex VII Environmental Management and Monitoring Plan.

4. The revised text is a product of the revision of the facilitator's text of 8 February 2022 ([ISBA/27/C/IWG/ENV/CRP.1](#)). The marked-up text was accepted to the extent that /I have not heard of any objection to the content/there has been consensus as to the content. The further revision is reflected as mark-up text against that version.

5. I have used the same approach to the revisions as for the Facilitator's text:

- (a) Only those proposals in respect of which there has been no express opposition are reflected in the text. This is without prejudice to their future consideration or the possibility for delegations to re-introduce textual proposals not incorporated in the present revised text.
- (b) Ideas that reflected a general direction in the discussions have been incorporated, although the precise textual formulations proposed by delegations may not always have been utilized. While not every individual idea or proposal is necessarily reflected, the text presented is an attempt at reflecting the general thrust of those ideas and proposals.

(c) Where general comments were made but no drafting suggestions were provided or where several drafting suggestions were made going in a similar direction without being identical, I am proposing wording for the consideration of delegations.

(d) Square brackets are introduced for proposals for which conceptual discussion are expected and where further work might be requested by the Council. The absence of square brackets does not imply agreement on the ideas, content or specific language reflected in a provision. The absence of brackets around new ideas which are reflected for the first time in the draft text should not be taken as a fait accompli as to their inclusion. Equally, the fact that regulations have not been revised should not be taken to indicate agreement on the unrevised provisions.

(e) Options have been used throughout the text to present alternative conceptual approaches. The order in which options appear in the text should not be taken as indicating any suggested order of priority, nor as indication of the level of support for any particular option.

(f) Boxes containing explanations of revisions and/or my comments, where necessary, are included under the relevant articles or sections.

6. Finally, I would like to remind delegations and observers, that the work and results of the Informal Working Group should be fully consistent with the provisions of the Convention and the 1994 Agreement, and the process and its result should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies.

III. Structure of the meeting

7. The Informal Working Group will meet on 1, 2 and 3 November 2022 and the Facilitator proposes that the Informal Working Group reassumes its text-based negotiation based on the Facilitator's text, and this from regulation 56 and forward with the aim of preparing a further revised Facilitator's text for part I of the twenty eighth session.

3 October 2022