

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> SESSION: COUNCIL -  
PART I**

***Informal Working Group - Environment***

*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:**

Federated States of Micronesia

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

Draft Regulation 46bis(2)(b) + 46bis(4)(c) + 46bis(7)

**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.**

[(2)](b) Impact assessment and evaluation to describe and predict the nature and extent of the Environmental Effects of the mining operation, including cumulative impacts and residual effects, using Best Available Scientific Evidence, Best Environmental Practices, Best Available Techniques, and Good Industry Practice

...

[(4)](c) Provide for Sstakeholder consultation

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

The description and prediction of the nature and extent of Environmental Effects of a mining operation through an EIA is a process that should make use of the broadest sources of relevant knowledge, techniques, and practices as possible. We support the reference to Best Available Scientific Evidence in para 2(b), but we also think that it makes sense to reference the three other elements noted above in order to avoid the impression that only Best Available Scientific Evidence (among the group of four elements) is relevant when engaging in this description and prediction.

We also think that “stakeholder” in para (4)(c) should be capitalized, in order to be consistent with other draft exploitation regulations and the Schedule on the use of terms.

On the reference to coastal States in paragraph 7, we will work with other interested delegations on a possible joint proposal to be posted/circulated in due course.

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Schedule: Use of terms and scope

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“Best Environmental Practices” means the application of the most appropriate combination of environmental control measures and strategies, that will change with time in the light of improved knowledge, understanding or technology, as well as the incorporation of the relevant traditional knowledge of Indigenous Peoples and local communities, taking into account the ~~guidance set out in the~~ applicable Standards and Guidelines.

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

Indigenous Peoples and local communities (“IPLCs”) have traditional knowledge of relevance to the Authority’s regulation of activities in the Area. For example, IPLCs have traditional knowledge about culturally significant marine species (e.g., whales, sharks, sea turtles, seals, tuna) that range between coastal waters and the high seas above the Area, including knowledge about migratory and feeding patterns and other behavioral characteristics that inform a holistic view of the relevant parts of the Area and could be impacted by activities in the Area. Additionally, a number of IPLCs still engage in instrument-free traditional navigation across the high seas, including in many parts of the Pacific (e.g., in the Micronesia region as well as out of Hawai’i and other parts of Polynesia), and such navigation relies on millennia of knowledge about the Ocean space, including marine life encountered throughout such navigation. All this traditional knowledge can inform the establishment of APEIs and similar measures in the Area, as well as environmental impact

assessments in connection with activities in the Area, among other regulatory actions under the Mining Code.

Reflecting such traditional knowledge is in line with relevant environmental best practices in, e.g., the CBD (including in the description of EBSAs and the conducting of EIAs), the Central Arctic Ocean Fisheries Agreement, the reports of the IPCC (e.g., as reflected in its Special Report on the Ocean and Cryosphere in a Changing Climate) and IPBES, and the implementation plan for the UN Decade of Ocean Science for Sustainable Development. We propose reflecting this notion as part of the definition of “Best Environmental Practices.”

We also propose expanding the text of the definition of “Best Environmental Practices” to include a reference to “Standards” alongside the reference to “Guidelines,” to ensure that the term “Best Environmental Practices” is in full accord with all relevant Standards as well as Guidelines.