

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

Informal Working Group – Institutional Matters

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:

Federated States of Micronesia

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

Draft exploitation regulation 4(3) + other paras

3. 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.

3. Any coastal State which has grounds for believing that any activity under a Plan of Work in the Area by a Contractor is likely to cause ~~Serious-h~~Harm or a threat of ~~Serious-h~~Harm to its coastline or to the Marine Environment under its jurisdiction or sovereignty may notify the Secretary-General in writing of the grounds upon which such belief is based.

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

The threshold of Serious Harm is too high of a threshold for notification by an adjacent coastal State to the Secretary-General, especially as the data in support of a notification might not be readily available to the coastal State, particularly for small island developing States which are acutely vulnerable to harm to the Marine Environment and their coastlines but lack the capacity and wherewithal to fully assess such harm in a timely manner. We propose an easier threshold of “harm” to trigger notification, but still allow a threshold of “Serious Harm” for action by the LTC’s review and recommendations to the Council, as addressed elsewhere in draft exploitation regulation 4.

The FSM also supports, in principle, the extensive proposals on the role and involvement of relevant adjacent coastal States (including in terms of consultations and notifications with/of such coastal States, and non-infringement of their rights and legitimate interests) made by one or more Council members in 2019 for para 1bis, para 2, para 3bis, para 3ter, and para 3quater of draft exploitation regulation 4, as captured in ISBA/26/C/CRP.1.