

**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:**

**New Zealand**

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

**Regulation 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.**

(a)

(i) Apply the precautionary approach and the ecosystem approach to the assessment and management of risk of harm to the Marine Environment from Exploitation in the Area

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

This proposal ensures the precautionary approach is applied as it has evolved since the Rio Declaration 1992, and will continue to evolve in the specific context of deep sea mining. The Rio Declaration articulation of the precautionary approach is inapt to describe its application in the context of the UNCLOS obligation to protect and preserve the marine environment (see Article 6 of the Fish Stocks Agreement as a more appropriate articulation in this context and see the discussion of the relationship between due diligence and the precautionary approach at paras 131 – 132 of the ITLOS Area Advisory Opinion, and the observation at para 118 that “the standard of due diligence has to be more severe for riskier activities” ). New Zealand endorses Italy’s view that the practical implementation of the precautionary approach and ecosystem approach to the specific context of deep sea mining could be the subject of a policy adopted, and regularly reviewed and updated, by the Authority.