



Template for the review of the draft standards and guidelines associated with the draft regulations on exploitation of mineral resources in the Area

I. Background

1. The draft regulations on exploitation of mineral resources in the Area ([ISBA/25/C/WP.1](#)) require that certain issues are addressed in accordance with, or taking into account, standards and guidelines to be developed by the organs of the Authority. The standards will be adopted by the Council and will be legally binding on Contractors and the Authority, whereas the guidelines will be issued by the Legal and Technical Commission or the Secretary-General and will be recommendatory in nature.
2. Stakeholder consultation is an integral part of the process decided upon by the Commission for the development of the standards and guidelines ([ISBA/25/C/19/Add.1](#)).
3. The Legal and Technical Commission will consider the comments received through stakeholder consultation during its current session.
4. The drafts include a cover page containing background and contextual information on the approach taken by the Legal and Technical Commission in developing each standard and guidelines. Please note that stakeholder comments are not sought on this cover note.
5. Issues of format and consistency across the standards and guidelines will be reviewed by the secretariat and the Legal and Technical Commission once the content of the various standards and guidelines is finalized following stakeholder consultation.

II. Submitting Comments

6. To ensure that your comments are given due consideration, please send them by e-mail to ola@isa.org.jm, at your earliest convenience but **no later than the date announced on the ISA website for the relevant draft standards and guidelines**.
7. When submitting comments, please adhere to the following guidance as much as possible:
 - a. Please provide all comments in writing and in an MS Word .doc or .docx format using the table provided below.
 - b. The table format allows for an unlimited number of comments to be added. To add more comments, you may add more rows.

- c. Please provide full contact information for the individual/Government/organization submitting the comments.
 - d. Please avoid commenting on issues related to format, grammar, spelling or punctuation, unless it affects the overall meaning of the text, as the document will be formatted and edited when the final draft is prepared by the Legal and Technical Commission.
 - e. To facilitate the revision process please be as specific as possible in your comments. In areas where you feel additional or alternative text or information is required, please suggest what this text may look like or what information should be included.
 - f. Text may be copied from the draft into the table if stakeholders wish to use "track changes" in editing text (this is encouraged to ensure accuracy and avoid numbering errors).
 - g. If you refer to additional sources of information, please include these with your comments when possible or provide a complete reference or hyperlink.
 - h. All review comments will be posted on the ISA website, unless otherwise requested by the submitting entity.
8. Should you have any questions regarding the review process, please contact ola@isa.org.jm.

III. Template for Comments

- 9. Please use the review template below when providing comments.
- 10. Line and page numbers have been provided in the drafts. Please use these as a reference as illustrated in the table below.

TEMPLATE FOR COMMENTS

<i>Document reviewed</i>	
Title of the draft being reviewed:	Draft Standard and Guidelines for the safe management and operation of mining vessels and installations
<i>Contact information</i>	
Surname:	Tone
Given Name:	Viliami Va'inga
Government (if applicable):	Tonga
Organization (if applicable):	Permanent Mission of the Kingdom of Tonga to the United Nations
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General Comments		
<p>It is the considered view of the Kingdom of Tonga that, with regards to these current 7 draft standards and guidelines, can only be appropriately considered once the draft exploitation regulations are adopted. Logically speaking in terms of process and substance, the final standards and guidelines shall be drawn and premised upon a final set of exploitation regulations. As the draft regulations remain in the process of discussion and negotiation, and the development of the standards and guidelines are based upon said regulations once adopted, that consideration of the draft standards and guidelines take second priority to the finalization of the draft exploitation regulations. Any change to the draft regulations would thus mean a change (again) to the draft standards and guidelines – bearing in mind also other processes such as in the Finance Committee which likewise have a bearing on the final outcome of the regulations as well. Nevertheless, the Kingdom of Tonga is pleased to provide some preliminary input to the 7 drafts at this time, and reserves the right to review its positions as the process continues toward adoption.</p>		
Specific Comments		
Page	Line	Comment
2	4	There may be an issue in the definition of what amounts to a “mining vessel” given there is none evident at this time in the draft Regulations nor in the draft Standard. As it is drafted here, it implies that it is a definitive term as it syntactically appears.
2	10	There may be an issue as to the applicability of international rules, regulations, and standards to mining vessels that depart and return to the same ports as identified in the ISA’s Technical Study 25. Appropriate language to address this apparent loophole should be considered here.
2	14	Language to promote in particular inclusivity and gender equality should be considered as part of this Safety and Management System.
1	70	With reference to the role of national laws, clarity in this regard should be considered for certainty as to which national rules or responsibilities are applied to sponsoring States, and the flag State vessels.
<i>Additional rows can be added to this table by selecting “Table” followed by “insert” and “rows below”</i>		

Comments should be sent by e-mail to ola@isa.org.im