

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

***Informal Working Group - Environment***

*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](mailto:council2022@isa.org.jm).*

**1. Name(s) of Delegation(s) making the proposal:**

Submitted by WODA (World Organization of Dredging Associations)

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

Draft Reg. 44(1)(a)(i)

**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.**

(i) Apply the precautionary ~~approach~~ ~~principle~~ as reflected in principle 15 of the Rio Declaration on Environment and Development and the **ecosystem-based management 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]**

- We support “Precautionary Approach” as defined by the Rio Declaration Principle 15, not “Precautionary Principle”.
- Principle is not a practical concept and could essentially stop any actions where there is some risk or unknown effect, whereas approach can move things forward in a cautious manner allowing for some risk and encouraging research to address known information gaps.
- Regulation 46bis uses the term, practicable. ((c) The Identification of measures envisaged to prevent, mitigate or if possible, offset, and manage harmful Environmental Effects and risks **to as low as practicable**, including through the development and preparation of an Environmental Management and Monitoring Plan;). Using “Principle” in Regulation 44 is not consistent with practicable actions.
- Several times in the draft regulations, actions are said to be consistent with or in accordance with Good Industry Practice, Best Available Scientific Evidence, Best Environmental Practices, and Best Available Techniques. This is precautionary approach, not precautionary principle.

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

***Informal Working Group - Environment***

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](mailto:council2022@isa.org.jm).

**1. Name(s) of Delegation(s) making the proposal:**

Submitted by WODA

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

Draft Reg. 44(1)(c)

**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.**

(c) In taking necessary measures to prevent, reduce and control pollution and other hazards to the Marine Environment, ~~including the coastline, and of interference with the ecological balance of the Marine Environment~~ arising from Exploitation in the Area, the Enterprise and Contractors shall implement, mutatis mutandis, the measures set out under paragraph (a)(i) to (iii) above and demonstrate accountability and transparency in the assessment, evaluation and management of Environmental Effects ~~and risks~~ from Exploitation in the Area, including through ~~Stakeholder participation~~ and the timely ~~public~~ release of environmental data and information ~~on their respective activities at regular intervals and in an accessible format~~. In so doing, the Enterprise and Contractors shall apply a priority order to avoid, minimize, mitigate, and remediate harm to the marine environment. ~~as well as adapt the necessary measures to newly emerged information and data.~~

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

- We are not sure that any further wording is needed other than “Marine Environment” – the introduction of new terms may cause confusion
- If there is a desire to include “coastline”, it should be noted that coastline is usually considered the shoreline and hard ground. Was the intention, instead, “coastal waters”? If so, our view is coastal waters would be covered by the broader term “Marine Environment”.