

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

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council@isa.org.jm.

1. Name of Working Group: Protection and Preservation of the Marine Environment

2. Name(s) of Delegation(s) making the proposal: Federated States of Micronesia

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

Annex IV: Environmental Impact Statement (Opening section)

4. 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. Template for Environmental Impact Statement

The ~~recommended~~ format for an Environmental Impact Statement is outlined below. It is intended to provide the International Seabed Authority, its member States and other stakeholders with unambiguous documentation of the potential Environmental Effects based on the Best Available Scientific Evidence, Best Environmental Practices, and Best Available Techniques on which the Authority can base its assessment, and any subsequent approval that may be granted. Further detail for each section is provided following the overview.

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

The use of the format for EISes identified in Annex IV must be mandatory rather than recommendatory. Additionally, the potential Environmental Effects identified by an EIS must be based on, among other things, Best Environmental Practices as well as Best Available Scientific Evidence and Best Available Techniques. (The previous facilitator’s draft only referenced Best Available Scientific Evidence and Best Available Techniques.)

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Annex IV: Environmental Impact Statement (Section 2)

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2.2 Other applicable national legislation, policies and regulations

Outline any other legislation, policies or regulations that do not necessarily apply specifically to seabed mining or the environment, but may be relevant to the proposal (e.g., shipping regulations, maritime declarations) and how the mining activity will comply with them. This section should also refer to national regulations and laws that relate to the effects of Exploitation activities on coastal States, or other places where components of Exploitation (e.g., processing) could occur.

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

The FSM is proposing the re-insertion of previous text referring to national regulations and laws pertaining to coastal States and the potential effects of Exploitation activities on such States. This is in line with, among other things, the obligation under international law for conducting environmental impact assessments that account for transboundary impacts, including impacts on the marine environment of adjacent (coastal) States.

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Annex IV: Environmental Impact Statement (Executive Summary)

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Executive summary

(c) Anticipated impacts of the activity [including but not limited to] (oceanographic, geological, biological, socioeconomic and sociocultural), including cumulative impacts;

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

The FSM is proposing the insertion of a reference to “sociocultural” impacts to reflect similar references in the main body of the EIS template.

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Annex IV: Environmental Impact Statement (Section 9 (Title, chapeau, section 9.2.1.5bis, and section 9.5))

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TITLE: Assessment of the impacts on the socioeconomic and sociocultural environment and proposed Mitigation

Provide a detailed description and evaluation of potential impacts and Environmental Effects of the operation to the socioeconomic and sociocultural components identified in section 6. This may need to consider effects that could happen during the construction/development (precommissioning), operational (including maintenance) and decommissioning phases, as well as the potential for accidental events. The preferred approach for this template is to include for each component a description of: . . .

9.2.1.5bis Sociocultural uses

A description of potential impacts and issues to be addressed pertaining to sociocultural uses of the area (e.g., traditional navigation routes, migratory paths of culturally significant marine species, sacred sites and waters associated with ritual or ceremonial activities of Indigenous Peoples and local communities), along with proposed management measures and a description of residual impacts

9.5 Summary of socioeconomic and sociocultural environment

Summarize key findings on potential impact and effects, management measures, residual effects, and any potential impacts and effects [including to areas under any State’s national jurisdiction as well as to sociocultural conditions]. A table may be a

useful summary format to pull together the above elements in a simple visual mode. Potential cumulative effects should also be included.

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

Per the FSM's previous proposals for section 6 of the EIS template in Annex IV (which are reflected in the most recent facilitator's draft text), we support expanding the scope of section 9 of the same template to include references to sociocultural uses, impacts, and issues of the project area covered by the template, along with similar socioeconomic considerations. We thus propose tweaks to the title and chapeau of section 9 as well as the header and text of section 9.5, and we also propose a new section 9.2.1.5bis on sociocultural uses in line with a similar proposal of ours for a section 6.2.5bis of the EIS template, and as inspired in part by the work of the CBD in the description of EBSAs as well as the CBD's Akwe: Kon voluntary guidelines for the conduct of cultural, environmental and social impact assessments (<https://www.cbd.int/doc/publications/akwe-brochure-en.pdf>). For more information on sociocultural elements pertaining to the management of the high seas and the Area (including the work of the ISA as well as work contemplated under a future BBNJ instrument), please see the following:

Considering Indigenous Peoples and local communities in governance of the global ocean commons, by Marjo K. Vierros, et al, Marine Policy, Volume 119, September 2020, available at <https://www.sciencedirect.com/science/article/pii/S0308597X19309212>.

The Necessity of Traditional Knowledge for Management of Deep-Seabed Mining, Deep Ocean Stewardship Initiative Policy Brief, 2021, available at <https://www.dosi-project.org/wp-content/uploads/072-DOSI-Policy-brief-Traditional-Knowledge-for-Management-of-DSM-long-V11.pdf>.

Traditional knowledge and the BBNJ instrument, by Clement Y. Mulalap, et al, Marine Policy, Volume 122, December 2020, available at <https://www.sciencedirect.com/science/article/abs/pii/S0308597X19308620>. impacts, including impacts on the marine environment of adjacent (coastal) States.