

**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:** Institutional Matters

- 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.**

Draft Regulation 2(3) + Draft Regulation 2(4)(v)

- 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.**

Draft Regulation 2: Principles, approaches and policies

3. Exploitation activities in the Area shall not commence until, inter alia, the legal framework intended for the effective protection and preservation of the Marine Environment is adopted and scientific evidence and other relevant knowledge/evidence (including traditional knowledge of Indigenous Peoples and local communities) demonstrates that the Exploitation activities are conducted in such a manner as not to cause ~~significant and harmful changes~~ harmful effects to the Marine Environment and its resources and to effectively protect and preserve the Marine Environment pursuant to article 145 and Part XII of UNCLOS.

4. According to article 145 of the Convention, the effective protection of the marine environment from the harmful effects which may arise from activities of exploitation, in accordance with the Authority’s environmental policy, including regional environmental management plans, is based inter alia on the following principles and approaches:

...

(v) Access to data and information relating to the protection and preservation of the Marine Environment, subject to regulation 89.

- 1) Please indicate the rationale for the proposal. [150-word limit]**

The FSM proposes amending DR 2(3) to reference the relevance of traditional knowledge of Indigenous Peoples and local communities as one of the bases (along with scientific evidence) for demonstrating that Exploitation activities are conducted in a manner that avoids harmful effects to the Marine Environment, among other conditions. For the same paragraph (3), the FSM also proposes to make clear that proceeding with Exploitation activities is dependent on meeting conditions that are not limited to those in paragraph (3). Finally, for DR 2(4)(v), the FSM proposes inserting a reference to regulation 89 (“Confidentiality of information”) in order to, among other things, safeguard the rights of Indigenous Peoples and local communities pertaining to their traditional knowledge, which can only be accessed with the free, prior, and informed consent of such knowledge holder. (The FSM will propose parallel language to this effect in DR 89 as well when the Council addresses that DR.)